The Janesville Daily Gazette.

VOLUME 26 | Entered at the Post Office at Janesville Wis., as second-class matter. | JANESVILLE, WISCONSIN, SATURDAY, APRIL 1, 1882. | Published Every Evening Except Sunday, at $7 a Year. | NUMBER 17

Republican City Ticket.

For Mayor—
W. T. VANKIRK.
For City Clerk—
CHAS. E. CHURCH.
For City Treasurer—
J. M. HASELTON.
For City Attorney.—
E. M. HYZER.
For Justice of the Peace—
S. J. M. PUTNAM.
For Sealer of Weights and Measures—
ALEX DENNING.

Ward Tickets.

FIRST WARD.

For Alderman—
ED. MURDOCK.
For Supervisor—
J. C. METCALF.
For Constable—
JOHN H. TAYLOR.

SECOND WARD.

For Alderman—
O. F. NOWLAN.
For School Commissioner—
CHAS. L. VALENTINE.
For Supervisor—
I. C. BROWNELL.
For Constable—
A. K. CUTTS.

THIRD WARD.

For Alderman—
D. E. FIFIELD.
For Supervisor—
FENNER KIMBALL.
For Constable—
H. B. KENNISTON.

FOURTH WARD.

For Alderman—
A. P. BENNETT.
For School Commissioner—
ISAAC FARNSWORTH.
For Supervisor—
A. H. SHELDON.
For Constable—
JOHN F. DRAKE.

FIFTH WARD.

For Alderman—
J. H. BLISS.
For Supervisor—
J. G. WRAY.
Constable—
N. E. BENNETT.

There is every indication that Mr. Bennette will be elected by a big majority.

Six years ago the name of John R. Bennett headed the petition of the bar calling on Judge Conger to be an independene candidate for re-election to the judgeship. Inasmuch as Judge Conger announced solemnly that he would not be a candidate for re-election, wouldn't it have been no more than simle justice that Judge Conger should have been the first one to have signed Mr Bennett's petition.

ANOTHER COMPLIMENT.

The Brodhead Independent in its last issue says:

"So fas as we are informed, had not Judge Conger declined to be considered a candidate, there would have been no serious opposition to his re-election. This declination however, was understood to be final, and meantime other names were suggested in connection with the office, and as we mentioned last week, a large number of members of the bar and other citizens, united in a call to Hon. John. R. Bennett inviting him to be a candidete. We can see no good reason why those who signed this call to Mr. Bennett, and others who have supported him hitherto, should now desert him."

The Watertown Democrat, taking a non partisan and a common sense view of the judicial question, publishes the following:

As the 4th of April nears us, the enemies of John R. Bennett are at work with the intent to come in upon the scene a day or two before election, with a fine bunch of well concocted falsehoods, which are being prepared for the purpose of slandering and if possible of defeating the worthy gentleman. We publish this statement thus early, so that our friends will be equal to the occassion, and prepared to rebut it with a triumphant election. It is well known that the worthy gentleman will be attacked in this manner and the policy adopted by his enemies will but serve to advance his cause and to insure his election. John R. Bennett is known as one of the leading and most successful members of the bar, his legal ability, personal demeanor and vast experience are the reasons on which he will be elected, and we know of no reasons which will weigh more with the electors than those which are given by the members of the bar themselves. From what we know of this gentleman we can safely say that there is no other member of the Bar in the Twelfth Judicial Circuit, who could fill the position of Judge of that Circuit with more honor to himself, and satisfaction to the people, than John R. Bennett. Judge Conger's vacilating conduct is not nor can it be approved by any person having any respect for principle. To be one thing to-day and another to-morrow is not the kind of a man required for Judge of the Twelfth Circuit."

THE LEGISLATURE.

The Legislature adjourned on Friday noon making the session eighty days in length against eighty-three last year. The number of bills introduced in both houses was 928, and of this number only 330 became laws. The length of the session as compared with that of previous years, is as follows:

Year.	Days.	Year.	Days.
1860	57	1877	57
1861	71	1878	71
1862	77	1879	57
1863	72	1880	65
1874	78	1881	83
1875	55	1882	80
1876	61		

Another interesting comparison will be the number of laws enacted this year with the number of bills passed at each session since 1870:

Year.	No. of acts.	Year.	No. of acts.
1870	660	1877	330
1871	571	1878	342
1872	329	1879	296
1873	378	1880	323
1874	349	1881	334
1875	341	1882	330
1876	415		

The appropriations amounted to $675,000, and a State tax of half a million dollars was ordered to be levied this year.

The members of the Legislature from this county made excellent representatives and therefore served their constituents well. Senator Richardson finished a term of six years in the Senate, having served longer in that body than any other person ever elected from this county. He has done a great deal of hard work in the Senate, and industry, personal influence and and a thorough acquaintance with the work and business of the Senate, the county never sent to Madison his superior. Mr. Winans, who represented this city and the towns of Janesvile and Rock, in the Assembly, made one of the ablest members of the Legislature of 1882. He was a leader among the foremost men of that body, and in the discussions of all important questions he was without a peer, and commanded attention and won respect. Mr. Huntley of the First district, and Mr. Conley, of the Third, filled their places in the Assembly with credit to themselves and an honor to their respective districts. They were among the most industrious and faithful members and did good service for which they deserve the thanks of their constituents.

FINAL ADJOURNMENT.

The Close of the Legislative Session of 1882—Addresses of the Presiding Officers.

MADISON, March 31.—The Legislature was finally adjourned to-day at 12 o'clock noon. The Governor sent up reports of the bills he had approved, and then informed each House that he had no further communications to make. After a farewell address by the presiding officer of each House the gavel dropped for the last time. In declaring the Senate adjourned without day. The president pro tem, Senator Burrows, addressed the few who remained until the close, as follows:

SENATORS—Notwithstanding I am glad that this Legislature is about to be dissolved, still it is with feelings of sadness that I take the gavel in my hand for the purpose of sounding it for the last time. During the eighty long days since this session commenced, we have not only made the acquaintance of each other, but I am confident that I speak the sentiments of every one of my brother senators in stating that we have become lifelong friends.

Senators, my best wishes go with you to your respective homes, and I wish that happiness, long life and prosperity may be in store for you and yours. I also hope and believe that our labors during this session will prove beneficial and advontageous to the people of this great commonwealth of ours, and that your constituents, in we coming back to their midst, will be unanimous in their verdict of "Well done, good and faithful servants."

It affords me great pleasure to say the to the officers and employes of this body that you have performed your duties well and satisfactorily, and our best wishes will always be with you. "May you all live long, enjoy good health and prosper."

I also wish to thank you on behalf of the Senate, the gentlemanly representatives of the Press, who have so correctly reported our proceedings. My prayer is that in the future they may always be enabled to get "fat takes."

The hour having arrived designated in joint resolution No. 30 ,S, for the final adjournment of this Legislature, it now becomes my duty to declare the Senate adjourned sine die.

Mr. Speaker Gibson, in bidding farewell to his fellow-members of the Assembly, used the following words:

GENTLEMEN OF THE ASSEMBLY: The temple whereon we were the builders is completed, and it is for the world to judge if we have laid the foundation deep and secure, have built the walls without flaw, and erected over a la dome, beneath which honor and wisdom are intrenched supreme. Well or ill done, the past is beyond us, and it only remains for us to rest conscious of our rectitude of purpose, hoping for the favorable consideration of men.

With the memory in my heart of your unbounded courtesies and unfailing kindness toward me, with your recorded and expressive words of confidence in the justice and impartiality of your speaker, mitigating the sorrow of this parting; with the hope that the remembrance of the days we have passed together may live greenly in your hearts, and that the friendships here formed may endure, I now pronounce that solemn words, farewell, and declare the session of 1882 formally closed.

DRUNKEN INDIANS

WASHINGTON, March 31.—Some of the visiting Indian Chiefs who came here the other day to have a consultation with the Secretary of the Interior, having appeared at the department one day during their visit in a state of intoxication, the Commissioner of Indian Affairs proposes to institute proceedings against the parties who sold them the liquor, if they can be found. Sec. 2,138 of the Revised Statutes provides that every person (except an Indian in the Indian country) who sells, exchanges, gives, barters, or disposes of any spirituous liquors or wine to any Indian under the charge of any Indian Superintendent or Agent shall be punishable by imprisonment for not more than two years, and by a fine of not more than $300. "I think this is the last Indian powwow we shall have while I am Commissioner," said Commissioner Price to-day, in talking about the Sioux delegation. "It is perfect nonsense their coming here. They don't know what they want when they start, and the longer they stay here the less they know, and it is only a waste of time and money."

OPERATIC TROUBLES.

NEW YORK, March 31.—Fresh troubles have broken out in Mr. Mapleson's opera company. Mille. Vachot's withdrawal, which was announced yesterday, was followed to-night by that of Mme. Minnie Hauk. It has been an open secret for a long time that trouble was brewing between the manager and his principal lady. Madame Hauk complains that Colonel Mapleson has not produced operas he cantracted she should sing in and among them "The Flying Dutchman" and "The Teming of the Shrew." It is now so near the close of the season that it would be impossible to produce the two operas. She had decided, therefore not to sing again for Mapleson, now that he has shown conclusively that he does not intend to keep to his agreement. She will not sing to-morrow afternoon, as it had been announced she would.

Cloth and Silk Dolmans, Jackets, etc., made to order at Archie Reid's.

DEATH OF A VETERAN.

ELKHORN, March 31—Joseph Gillis Taylor, familiarly known as General Taylor, died to day in the 87th year of his age. Mr. Taylor was born in Argyle, Washington county, N. Y., March 19, 1796. He was in the battle of Plattsburg in the war of 1812, and has been a Government pensioner from that event. In June, 1857, he came to Elkhorn, weere he had resided up to the time of his death.

New Laces, New Embroidery, and New Spring Goods of all kinds, cheapest at Archie Reid's.

MADISON POLITICS.

MADISON, March 31.—The Republicans have placed Dr. A. J. Ward in nomination for mayor. and Frank C. Pyncheon for treasurer. The Democrats will renominate Mayor Conklin to-morrow, and his election next Tuesday seems assured. He is pledged to water-works, as are most of the Democratic as well as Republican candidates for aldermen.

SERGT. MASON.

ST. LOUIS, March 31.—Twenty petitions to the President for the pardon of Sergt. Mason were exposed for signatures at prominent points three days ago, and an aggregate of 10,000 signatures has already been signed. The appeal meets with particular favor among the Germans.

Ward Caucuses.

The Republican caucuses in the different wards, to select delegates to the City Convention, and nominate officers for the ensuing term were very well attended, and passed off in a pleasant manner.

FIRST WARD.

In the First Ward F. S. Lawrence was chosen chairman, and E. G. Harlow secretary.

The balloting for alderman resulted in the nomination of E. D. Murdock, which nomination was afterwards made unanimous. The other officers, delegates and ward committee were made by acclamation as follows:

For Supervisor—J. C. Metcalf.

Constable—John H. Taylor.

Delegates—J. C. Metcalf, H. S. Woodruff, George H. Davy, John W. Sale and C. E. Bowles.

Ward Committee—S. Trulson, N. O. Clark and S. Hayner.

SECOND WARD.

The meeting in the Second ward organized by electing Hon. Ham. Richardson chairman, and Mr. John C. Spencer secretary. Oscar F. Nowlan was nominated for Alderman by acclamation; Chas. L. Valentine, for School Commissioner, by acclamation; I. C. Brownell for Supervisor, by acclamation; A. K. Cutts for Constable, by acclamation; and the following delegates to the city convention: W. T. Vankirk. O. F. Nowlan, A. C. Bates. R. W. King and T. S. Nolan.

THIRD WARD

O. H. Fethers, S. B. Kenyon and S. C. Burnham, are the ward committee.

The Third Ward meeting was organized by making B. B. Eldredge chairman and F. F. Stevens secretary. The following delegates were elected to attend the City Convention: Ed. F. Carpenter, A. J. Roberts, A. W. Baldwin, R. L. Colvin, and Richard Valentine.

Fenner Kimball was nominated for supervisor, D. E. Fifield for alderman, and H. B. Kenniston, for constable.

FOURTH WARD.

In the Fourth Ward J. A. Webb was chosen chairman of the meeting, and R. S. Burdick secretary.

The delegates to the City Convention are: Charles Atwood, A. P. Bennett, C. E. Ranous, J. T. Wilcox, and Thomas Mahon.

The nominations are:

For Alderman—A. P. Bennett.

Supervisor—A. H. Sheldon.

School Commissioner—Isaac Farnsworth.

Constable—John F. Drake.

Ward committee for the ensuing year appointed by the chair, is S. L. James, Thos. Mahon and J. T. Wilcox.

FIFTH WARD.

The Fifth Ward meeting was organized by the appointment of J. B. Carle to the chair, and N. E. Bennett to the office of secretary, J. H. Bliss was nominated for alderman, J. G. Ray for supervisor, and N. E. Bennett for Constable. The delegates selected were J. B. Carle, J. B. Hume N. E. Bennett and J. G. Ray, and the Ward Committee, N. E. Bennett, J. G. Ray and Q. O. Sutherland.

"WHEN I publicly testified that I had been cured of a terrible skin humor by the Cuticura Remedies, I did so that others might be cured, and do not regret the time given to answering questions.—Hon. Wm. Taylor, Boston.

CATARRH.—Relief in five minutes in every case; gratifying, wholesome relief beyond a money value. Cure begins from first application, and is rapid, radical and permanent. Ask for Sanford's Radical Cure. Complete for $1.

BEING about to leave the city, I most kindly thank my friends and the public generally for their liberal patronage extended to me while in the employ of Fred Sonneborn, and hope they will still continue to patronize the same old standby, assuring them that they will receive fair and square dealing.

Respectfully,
L. D. ROBINSON.

Decidedly Tough Fowls.

I was much amused at many incredulous persons doubting the truth of the statement about duck-shooting published in the Richmond *Dispatch*, wherein a couple of hunters on the Chesapeake shot a small dipper duck, putting four loads of No. 4 shot into it, then ran it down with a boat, caught it, picked all the feathers from it, cut its head off and, after taking out its entrails, let it into the water to wash it, when it gave a flop and got away, swimming so rapidly that it took them an hour to secure it again.

Perhaps this does look a little fishy, but it can be readily believed by any one that is acquainted with the tough nature of Virginia fowls. In the fall of 1864 I was a member of the Thirty-fourth Ohio Volunteer Infantry, and we were camping at Winchester, in the Shenandoah Valley. The whole country thereabout had been occupied by both Union and Confederate armies times innumerable, and all the chickens, geese, turkeys and pigs had long disappeared into the capacious stomachs and haversacks of the hungry soldiers, except one old rooster, whose long spurs and venerable appearance had saved him from the foragers' nimble fingers. He looked so tough that a soldier whose courage would never falter at charging an enemy's battery shrank from the more difficult task of boiling his carcass tender enough to eat. We were out of rations and hungry. My mess got sight of that old rooster, whose comb had been worn down by the storms of many years, and bore a slight impress of the initials B. C. We were driven to desperation by the cravings of our hungry stomachs, and in a few moments we had him dressed and in a camp-kettle, boiling furiously, with a large pile of fagots collected. We were to sit up all night, by turns, and keep the fire red-hot under him, hoping by this time to have him cooked for a dainty breakfast. My turn came to fire under him at four o'clock a. m. I kept him boiling for over an hour, when sleep overcame me, and I dropped off into a doze. Just at break of day, imagine my surprise at being aroused by a cry always sweet to the ears of an old soldier. That rooster had jumped up, knocked the lid off the kettle, and was sitting on the rim crowing for daylight, as if nothing had happened to mar his comfort or pleasure. After arousing the camp with his clarion bugle notes, he flew down and strutted off with the importance of a field officer of the day, and my mess had no breakfast. I merely make this statement to corroborate the duck-shooter's yarn. Captains Hawkins was with me on that occasion, and can vouch for me, if any doubt that Virginia fowls are tough.—*J. H. S., Locust Corner, Ohio.*

Poe, the Poet, Murdered.

Dr. J. J. Moran, of Falls Church, Va., in a lecture upon the death of Poe, said: As the shades of evening descended upon Baltimore, Poe had rambled on until he had reached a dangerous portion of the town, where it was unsafe for a man to loiter alone. Here the men who had been following came up with him and he was forced into a low den, where he was drugged, robbed, stripped of his apparel and then clothed in the filthy rags of one of the brutes who had assaulted him. From this place he was thrust into the street, and as he staggered along, his brain benumbed by the deadly drug, he fell over an obstacle in his pathway and lay insensible for hours exposed to the cutting October air. A gentleman passing recognized the face of Poe as he lay prone upon the street, and calling a hack he directed that he be conveyed to the Washington Hospital, sending his card to Dr. Moran, with the single word "Poe" written in the corner. Poe was cared for, and received energetic medical treatment to counteract the effect of his depressed condition. During this time Dr. Moran said to him:

"How do you feel, Mr. Poe?"

"Miserable."

"Do you suffer any pain?"

"No."

"How long have you been sick?"

"I cannot say."

As Poe's last hours approached Dr. Moran said that he bent over him and asked if he had any word he wished communicated to his friends. Poe raised his fading eyes and answered, "Nevermore." In a few moments he turned uneasily and moaned: "O God, is there no ransom for the deathless spirit?" Continuing, he said: "He who rode the heavens and upholds the universe has His decrees written on the frontlet of every human being." Then followed murmuring, growing fainter and fainter, then a tremor of the limbs, a faint sigh, and the spirit of Edgar Allen Poe had passed the boundary line that divides time from eternity.—*Washington Post.*

THE good die young. The bad live to lie about the weather and are spoken of as the oldest inhabitants.—*Picayune.*

UNTIL FURTHER NOTICE.
We will furnish
Carriages For Funeral Occasions
To City Cemeteries for $3.50 Each.
C. W. JACKMAN.
ma 17dtf

10,000 CALVES!
Wanted, from two days to eight weeks old, for which the highestmarket price will be paid at the market on the bridge.
nov30d2ew18wtf R. J. ROONEY

CHURCH DIRECTORY.

The churches of this city will be open to-morrow, [Sunday] as follows:

ALL SOULS CHURCH—Corner of Court and Bluff streets. ——————, Pastor Sunday servcies at 10:30 A. M. Sunday school at 12:15 P. M.

Lay service in the morning; Sunda school as usual.

COURT STREET M. E. CHURCH.—Corner of Main and Court streets. REV. OLIN A. CURTIS, Pastor. Residence, No. 29, South Academy street. Services at 10:30 A. M. and 7:30 P. M

In the morning the pastor will preach the last sermon in the series on Divine Providence, Subject,—"The practical test of the doctrine." Evening subject: "Henry Wadsworth Longfellow—What he did for our nation and for Christanity."

FIRST M. E. CHURCH—Corner of Jackson and Center steets. REV. D. J. HOLMES, Pastor Residence Corner Center and Jackson streets. Services at 10:30 A. M. and 7:0 P. M. Sunday school at 12 M. Prayer meetings Tuesda, and Thursday evenings.

In the morning the funeral services of the late Peter Nyhart, will be held. Sermon by the pastor. Preaching also in the evening.

PRESBYTERIAN CHURCH—On Jackson street. REV. W. F. BROWN, Pastor. Services at 10:30 A. M. and 7:00 P. M.

Y. M. C. A.—Regular Sabbath afternoon meeting at 3:00 o'clock, in the Baptist church. All are welcome.

BAPTIST CHURCH—Northeast corner of Jackson and Pleasant streets. REV. M. G. HODGE D. D. pastor. Residence, 38 Washington St. Public worship Sabbath morning and evening. Bible school at 12 M. Young people's meeting an hour before evening service. Preparation meeting Tuesday evenings. General prayer meeting Thursday evening. Usual hours.

CONGREGATIONAL CHURCH—Corner of Jackson and Dodge streets. REV. D. F. DAVIES, Pastor. Services, 10:30 A. M. and 7:00 P. M.

ST. PATRICK'S CHURCH.—Corner of Holmes and Cherry streets. REV. E. M. MCGINNITY, Pastor. Services at 8:00 A. M., 10:30 A. M. and Vespers at 3:00 P. M.

TRINITY CHURCH.—Corner of Jackson and Bluff streets. REV. THOMAS W. MCLEAN, Rector. Services, Holy Communion at 8 o'clock; Second service at 10:30 A. M., and evening service at 7:00 p. M. On the first Sunday in the month no 8 o'clock service.

ST. MARY'S CHURCH.—Catholic—Corner of Wisconsin and North First streets. REV JOHN MUNICH, Pastor. Services at 8:00 and 10:30 A. M.; Sunday school at 2:30 P. M.; Vespers at 3:00 P. M.

CHRIST CHURCH—On Court street. Rev. C. M. Pullen, Rector. Services at 10:30 A. M. and 7:00 P. M.

GERMAN METHODIST CHURCH—Services in Young Men's Association rooms over the old postoffice. Sunday school at 9:30 A. M. Preaching at 10:30 A. M. Rev. J. Berger, pastor. Rev. A. F. Zarwell, assistant.

RAILROAD TIME TABLE.

Chicago, Milwaukee and St. Paul.

TRAINS LEAVE.

For Chicago and East, via. Beloit, Rockford and Elgin	11:00 A. M. / 7:15 P. M.
For Milwaukee, Chicago and East	10:00 A. M.
For Milwaukee, Chicago and East	12:26 P. M.
For Beloit, Rock Island and South West	11:00 A. M.
For Beloit, Rock Island and South West	7:15 P. M.
For Edgerton, Stoughton & Madison	6:20 A. M.
For Madison, Portage, La Crosse, Winona and St. Paul	10:10 A. M.
For Madison, Prairie du Chien, Sioux City & St. Paul	4:25 P. M.
For Monroe, Mineral Point, Shullsburg and Platteville	8:55 A. M.
For Monroe, Mineral Point, Shullsburg and Platteville	7:10 P. M.
For Brodhead and Albany	2:10 P. M.
For Brodhead and Albany	7:10 P. M.

TRAINS ARRIVE.

From Chicago and East, via. Beloit, Rockford and Elgin	8:20 A. M. / 3:27 P. M.
From Milwaukee, Chicago and East	5:30 P. M.
From Milwaukee, Chicago and East	7:10 P. M.
From Beloit, Rock Island and South West	8:20 A. M. / 3:27 P. M.
From Madison, Portage, La Crosse Winona and St. Paul	10:55 A. M.
From Madison, Prairie du Chien, Sioux City and St. Paul	1:45 P. M.
From Monroe, Mineral Point, Shullsburg and Platteville	10:04 A. M. / 12:26 P. M.
From Brodhead and Albany	10:04 A. M.
From Brodhead and Albany	12:26 P. M.

WM. B. NOYES, Agent,
A. V. H. CARPENTER, Gen'l. Pass'r. Ag't.

Chicago & Northwestern.

Trains at Janesville Station.

GOING NORTH.

	Arrive.	Depart.
Day Express	1:35 P. M.	1:40 P. M.
Fond du Lac passenger	8:40 P. M.	8:45 P. M.

GOING SOUTH.

	Arrive.	Depart.
Day Express	12:50 P. M.	12:55 P. M.
Fond du Lac passenger	6:55 A. M.	7:00 A. M.

AFTON BRANCH.

TRAINS ARRIVE.

From Beloit, mixed	9:20 A. M.
From Afton and North, passenger	10:25 A. M.
From Rockford and South, passenger	3:15 P. M.
From Afton, and North and South, mixed	8:40 P. M.

TRAINS DEPART.

For Beloit, mixed	7:05 A. M.
For Beloit, Rockford, and Chicago, passenger	9:40 A. M.
For Madison, Winona, St. Paul, and all points in Minnesota and Dakota, passenger	3:00 P. M.
For Afton, mixed, connecting North and South	6:40 P. M.

M. HUGHETT, Gen'l. Supt.
W. H. STENNETT,
General Passenger Agent.

MISCELLANEOUS.

Election Notice.

Notice is hereby given that an election will be held in this city on the first Tuesday in April, 1882, at which the following city and ward officers will be chosen, to-wit: A Mayor, Clerk, Treasurer, City Attorney, Justice of the Peace, and Sealer of Weights and Measures; also, one Alderman, one Supervisor, and one Constable in each ward; and a School Commissioner each in the Second and Fourth ward; and the following are designated as the polling places for the city:

For First Ward—Washington Engine House.
For Second Ward—Water Witch Engine House.
For Third Ward—C. H. Lee's Carpenter Shop.
For Fourth Ward—A. E. Burpee's Lumber Office.
For Fifth Ward—The Northwestern Freight Depot.

By order of the Common Council.
CHAS. E. CHURCH,
City Clerk.

Dated Janesville, Wis., March 24th. 1882.

United States Internal Revenue.

COLLECTOR'S OFFICE, SECOND DIST., WIS., MADISON, March 27, 1882.

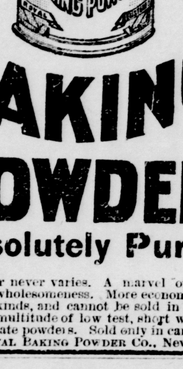
UNITED STATES INTERNAL REVENUE SALE OF REAL ESTATE.—Under instructions received from the Commissioner of Internal Revenue, and with the approval of the Hon. Secretary of the Treasury of the the United States, I will, on the 17th day of April, A. D. 1882, at twelve o'clock M, at the office of the Myers House, in the city of Janesville, county of Rock, and State of Wisconsin, offer for sale at public auction all the right, title and interest of the United States in and to the following described real estate, situate in the town of Turtle and county of Rock, to-wit:—The east half of the southwest quarter, and the east half of the northwest qurrter, and the north half of the southwest quarter of the northeast quarter. and the northwest quarter of the northeast quarter of section number nine (9) town number one (1) range thirteen [13] east, being about 143 33-100 acres more or less, "according to survey made by R. K. Lee, Deputy County Surveyor of Rock County, Wisconsin, on the 18th day of March, 1882," excepting therefrom all the land and premises that lie on the north side of the center of the road leading from Beloit to Shopiere, also one half acre of land in the southeast quarter of the northwest quarter of said section number nine [9], being the same premises conveyed by Eliza Rogers to John R. Hodson, by deed, recorded in the office of the register of deeds for Rock county, in volume 43 of deeds, page 169, together with all and singular, the tenements, hereditments and appurtenances to the same belonging and in anyway appertaining.

The right to reject any bid which may not be considered for the interest of the United States to accept is reserved.

Abstract of Title can be seen at this office, where all information in regard to the property will be given up to day of sale.

HENRY HARNDEN, Collector.

mar27dtd

ROYAL


BAKING POWDER
Absolutely Pure.

This powder never varies. A marvel of purity, strength and wholesomeness. More economical than the ordinary kinds, and cannot be sold in competition with the multitude of low test, short weight, alum or phosphate powders. Sold only in cans.
ROYAL BAKING POWDER CO., New York.

T. A. Chapman & Co.,

SPRING SEASON!

Hamburghs

We have just received our second Spring Importation of Hamburgs. It is the finest assortment ever shown by us. Special attention is called to the quality of the work and material and beauty of design.

HOSIERY!

Spring importations of French and German Hosiery just received. New styles in all qualities.

LADIES' UNDERWEAR

Our stock of Muslin Underwear is very large styles new, and prices as low as any house in the country.

Laces, Ribbons, Etc.

The fashionable styles of Trimming Laces just received. Made-up Lace goods in Collars, Ties, etc., in great variety. Ribbons, Watered, Satin and Gros Grain, etc., in all shades.

HOUSEKEEPING GOODS!

Table Damasks and Napkins in all qaulities. Cardinal and Turkey Red Cloths. Pillow Case and Sheeting Linens, "Barlow & Jones" Quilts, "Richardson's" and "Brown's" Linens.

T. A. Chapman & CO.
MILWAUKEE.

A HOUSEHOLD FAVORITE.

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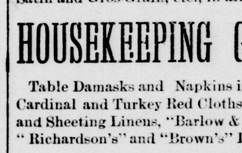
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60	Beautiful Scenes in Ireland.	60
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A Great Specialty Company, and the most magnificent Scenery ever seen in this city, including new scenes of the recent trouble in Ireland.
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ADMISSION—25c, 35c, 50c.

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He is Agent for
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And Warrants every Can, Pint, Quart, or Dish to be
Strictly First Class
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Will Sell as Low as the Lowest!
Also the Largest and Finest Stock of
CHRISTMAS CANDIES!
Ever in the city, put up in one and two pound Boxes; of whatever kind you choose, at prices that defy competition. Discount given to Churches and Parties getting up Christmas Trees
NUTS, FRUITS, CIGARS!
A large stock of Extracts which I will sell very low to close them out. dec15dly

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Sixteen years' experience in this line. Satisfaction guaranteed.
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J. A DENNISTON!

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FROMAGE De Brie; Neafchatels; Edam and Cream Cheese, at DENNISTON'S

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WHEN you want anything particularly fine for your table go to Denniston's. Who can afford to deal in good goods, because he make a margin on all his goods.
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JANESVILLE GAZETTE.

Supplement.

LAWS OF WISCONSIN.

NOTICE.—All publishers of weekly or daily newspapers having a bona fide circulation and subscription of not less than two hundred names, and which shall have been regularly published for three months prior to the opening of the annual session of the legislature, who shall publish in their respective newspapers all of the public acts of general interest, passed at any annual session of the legislature, which shall be designated by the secretary of state in the official state paper as "copy" laws, shall be allowed sixty dollars for such publication, upon filing satisfactory evidence, by affidavit, with the secretary of state, that the same have been published as provided in this section, which amount shall be paid out of the state treasury, provided that such publishers shall not receive compensation for such publication in both daily and weekly.

ERNST G. TIMME,
Secretary of State.

[Published March 31, 1882.]

CHAPTER 221.

AN ACT to reduce the act incorporating the city of Janesville and the several acts amendatory thereof into one act, and to amend the same.

The people of the state of Wisconsin represented in senate and assembly do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

Section 1. The act entitled "an act to reduce the act incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and amend the same," approved April 12, 1866, and the several acts amendatory thereof, are hereby consolidated and amended, so as to read as follows:

Section 2. The district of country in the county of Rock, contained within the limits and boundaries hereinafter decribed, shall be a city by the name of Janesville, and the people now inhabiting, and those who shall hereafter inhabit said district of country, shall be a municipal corporation, by the name of the city of Janesville, and shall have the general powers possessed by municipal corporations at common law, and, in addition thereto, shall possess the powers herein specially granted; and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Section 3. The territory lying in the county of Rock, and included within the following described limits and boundaries, shall constitute the city of Janesville, to wit: All of sections one and two, in township two north, of range twelve east, all of sections twenty-five, twenty-six, thirty-five and thirty-six, in township three north, of range twelve east; the west half of section six, in township two north, of range thirteen east, and the west half of sections thirty and thirty-one, in township three north, of range thirteen east.

Section 4. The said city shall be divided into five wards, as follows: All that part of the said district comprised within the following boundaries shall be the first ward, to-wit: commencing at the point of intersection of the center line of Rock river with the north boundary line of the city, thence west on said north boundary line to the west boundary line of the city, thence south on said west boundary to the center line of Pleasant street, thence east on the center line of said street to the center line of West Milwaukee street produced, thence northeasterly along the center line of said street and along the center line of said street produced to the center line of Rock river, thence northerly along the center line of said river to the place of beginning; and all that part of said district that lies east of the middle of Rock river and north of the middle of Milwaukee street and the middle of the highway leading northeasterly from Milwaukee street to the city limits, shall be the second ward. All that part of said district that lies south of the said second ward and east of the middle of Rock river and also east of that portion of the north and south quarter section line of section one (1), town two (2), range twelve (12) east, that lies south of Rock river shall be the third ward. All that part of the said district comprised within the following boundaries shall be the fourth ward, to-wit: commencing at the point of intersection of the center lines of Pleasant and Linn streets (Palmer and Sutherland's addition to Janesville), thence south on the center line of said Linn street and on the center line of said street produced to the center line of Rock river, thence down along said center line to the west boundary line of said city, then southerly along said west boundary line to the south boundary line of said city, thence easterly along said south boundary line to said north and south quarter section line of section one (1), thence northerly along said quarter section line to the center line of Rock river, thence up along the center line of said river to the center line of West Milwaukee street produced, thence southwesterly on said line produced and on the center line of said street to the center line of Franklin street (Smith, Bailey & Stone's addition to Janesville), thence southeasterly along the center line of said street to the center line of Pleasant street, thence westerly along the center line of said street to the place of beginning. All that part of the said district comprised within the following boundaries shall be the fifth ward, to wit: commencing at the point of intersection of the center line in Pleasant street with the west boundary line of the city, thence south on said west boundary line to the center line of Rock river, thence up along the center line of said river to the center line of Linn street (Palmer & Sutherland's addition) produced, thence north along the said line produced and along the center line of said street to the center line of Pleasant street thence easterly along the center line of said street to the center line of Franklin street (Smith, Bailey & Stone's addition to Janesville), thence northwesterly along the center line of said street to the center line of West Milwaukee street, thence southwesterly along the center line of said street to the center line of Pleasant street, thence west along the center line of said street to the place of beginning.

CHAPTER II.

ELECTIONS.

Section 1. The annual election for ward and city officers shall be held on the first Tuesday in April, of each year, at such place in each ward as the common council shall designate, and ten days' previous notice shall be given by the common council of the time and place of holding such election, and of the ward and city officers to be elected.

Section 2. The municipal government of said city shall consist of a common council, composed of the mayor, and two aldermen from each ward. The other officers of the corporation shall be a clerk, treasurer, city attorney, school commissioner at large, two justices of the peace, sealer of weights and measures, and one constable, supervisor and school commissioner for each ward, and a street commissioner and city marshal.

Section 3. At the annual election there shall be elected by the qualified electors of said city, a mayor, clerk, treasurer, and sealer of weights and measures, who shall hold their respective offices for one year, a justice of the peace who shall hold his office for two years, and every two years there shall be elected by the qualified electors of said city a city attorney and a school commissioner at large, who shall hold their respective offices for two years. At such annual election there shall also be elected by the qualified electors of each ward, an alderman, who shall hold his office for two years; a constable and supervisor, who shall hold their respective offices for one year; and every two years there shall be elected by the qualified electors of each ward, a school commissioner, who shall hold his office for two years. All officers of said city heretofore elected under its charter, shall hold their respective offices until the expiration of the term for which they were elected, and nothing in this act shall be so construed as to authorize the election of any mayor, clerk, treasurer, city attorney, school commissioner at large, justice of the peace, sealer of weights and measures, alderman, school commissioner, supervisor, constable or other officer, whose term of office shall commence before the expiration of the terms of office of any such officers heretofore elected under the charter of said city. All elective officers specified in this act shall hold their respective offices for the terms provided in this act, and until their successors are elected and qualified. All other officers named in this act, and which are not by this act declared elective, shall be appointed by the common council by ballot.

Section 4. The common council may appoint a street commissioner and a city marshal, and may remove and displace both or either of them at its pleasure, and shall fix the rate of compensation to be paid to each, and they shall not receive any greater compensation than that so fixed.

Section 5. The several wards in this city shall be represented in the common council by two aldermen, who shall be residents thereof. If any alderman remove from or cease to be a resident of the ward represented by him, his office shall thereby become vacant.

Section 6. Whenever a vacancy shall occur in the office of mayor, alderman or justice of the peace, after the commencement of the term of service, and more than two months before the next general election of ward and city officers, such vacancy shall be filled by a new election, which may be ordered by the common council, and held within fifteen days after such vacancy shall occur. Any vacancy in either of the offices above named in this section, which shall not have been supplied by an election before the general election of ward and city officers next succeeding the happening thereof, may be supplied at such general election. Any vacancy happening in any other office shall be filled be the common council. The person elected or appointed to fill such vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Section 7. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election, notwithstanding the provisions of law may not have been fully complied with in noticing or conducting the election, or canvassing or returning the votes, so that the real will of the plurality may not be defeated by any informality. Where two or more candidates for an elective office shall have an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council and under its direction.

Section 8. All persons entitled to vote for county or state officers, and who shall reside in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this act, and be eligible to any office thereby created.

Section 9. The mayor shall nominate to the common council at the first regular meeting in September of each year, and in case there be no such regular meeting, then at a special meeting, which shall be held on the last Tuesday of said month, three persons for inspectors and two persons for clerks of elections for each election district therein. The common council shall improve or disapprove of such nominations; and in case of the disapproval of any person so nominated, the mayor or president shall immediately nominate another person for such position, and shall so continue to do until three inspectors and two clerks shall have been nominated and confirmed at such meeting. The persons so appointed inspectors and clerks shall hold their offices for one year, and shall act as inspectors and clerks at every general, municipal and special election held within respective districts during such term. Such inspectors shall fill any vacancies in their number or in the number of such clerks, and may appoint one of their number chairman. Every person so nominated and confirmed as an inspector or clerk shall be an elector of the district for which he is appointed, shall be able to read and write the English language understandingly, and shall not be a candidate to be voted for at any election where he acts as inspector or clerk; and not more than two of such inspectors so nominated and confirmed shall be of the same political party, and the clerks shall be of opposing political parties, and when appointed to fill a vacancy shall have the same qualifications and belong to the same political party as the person he succeeds. If, at the time fixed for the opening of the polls on the day of any election, such inspectors or clerks, or either of them, shall fail to appear or refuse to act, or have become incapable of acting by removal of residence from such election district, or for other cause, and the inspectors appearing shall refuse to fill any such vacancy, the electors present may fill the same by viva voce vote.

Section 10. Previous to receiving any votes, the inspectors and clerks of election shall severally take an oath or affirmation that they will support the constitution of the United States and the constitution of the state of Wisconsin, and will perform the duties of inspectors or clerks (as the case may be), of election, according to law; and will studiously endeavor to prevent all fraud, deceit or abuse, in conducting the same. Said oath or affirmation shall be in writing, shall be subscribed by the person taking the same, and shall be annexed to and returned with the poll list to the city clerk.

Section 11. The polls of the election for municipal officers shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon of the same day. The inspectors shall cause public proclamation to be made of the opening and closing of the polls.

Section 12. There shall be provided and kept by the clerk of the city, at the expense of the city, suitable ballot boxes for each poll therein, with a suitable lock and key to each, and there shall be one opening through the lid of each such box, of no larger size than shall be sufficient to admit a single closed ballot.

Section 13. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the board of inspectors, after having assembled at or as near as practicable to such place, and before receiving any votes, may adjourn to the nearest convenient place for holding the election, and at such adjourned place shall forthwith proceed with the election. Upon adjourning any election as hereinbefore provided, the board of inspectors shall cause proclamation thereof to be made, and shall station a constable or some other proper person at the place where the adjournment was made, to notify all electors arriving at such place, of the adjournment and the place to which it was made.

Section 14. The inspectors of election, or one of them, immediately before proclamation is made of the opening of the polls, shall open the ballot boxes in the presence of the people there assembled, and turn them upside down, so as to empty them of everything that may be in them, and lock them; and they shall not be reopened until for the purpose of counting the ballots therein at the close of the polls.

Section 15. Each elector shall publicly, at the poll where he offers to vote, deliver in person to one of the inspectors of election, a single ballot or piece of paper, on which shall be written or printed the names of all persons voted for by such elector, at such election, with a pertinent designation of the respective office which each person so voted for may be intended to fill, and the inspector receiving the same shall, without opening it, or permitting it to be opened or examined, deposit it in the box.

Section 16. Each clerk of election shall keep a poll list, on which he shall enter the full names of all persons voting at such election, in the order of their voting, and on request of the inspectors, each elector shall state his full name before his ballot shall be received. When any person shall have taken the oath hereinafter provided in section 20, before voting, the clerk shall write at the end of such person's name on the poll list the word "sworn."

Section 17. At any election for municipal officers each inspector of election shall, and any elector may, challenge every person offering to vote whom he shall know or suspect not to be duly qualified as an elector.

Section 18. If a person offering to vote is challenged as unqualified, one of the inspectors shall tender to him the following oath or affirmation: You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector of this election; and shall thereupon put questions as follows:

First. If the person be challenged as unqualified, on the ground that he is not a citizen, and has not declared his intention to become a citizen:

1. Are you a citizen of the United States? If no, then—
2. Have you declared your intention to become a citizen of the United States conformably to the laws of the United States?
3. When and where did you declare your intention to become a citizen of the United States?

Second. If the person be challenged as unqualified, on the ground that he has not resided in this state for one year immediately preceding the election:

1. How long have you resided in this state immediately preceding this election?
2. Have you been absent from this state within the year immediately preceding this election? If yes, then—
3. When you left, did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?
4. What state or territory did you regard as your home while absent?
5. Did you, while absent, vote in any other state or territory?

Third. If the person be challenged as unqualified on the ground that he is not a resident of the city or ward where he offers his vote:

1. When did you last come into this city or ward?
2. Did you come for a temporary purpose merely, or for the purpose of making it your home?
3. Did you come into this city or ward for the purpose of voting therein?
4. Are you now an actual resident of the city or ward, and what is the particular description, name and location of your residence?

Fourth. If the person be challenged as unqualified, on the ground that he is not twenty-one years of age:

Are you twenty-one years of age to the best of your knowledge and belief?

Fifth. If the person be challenged as unqualified on the ground that he has made or become directly or indirectly interested in any bet or wager depending upon the result of such election:

1. Have you made in any manner any bet or wager depending upon the result of this election, or on the election of any person for whom votes may be cast at this election?
2. Are you in any manner, directly or indirectly, interested in any bet or wager, depending in any way whatever upon the result of this election?

Sixth. If the person be challenged as unqualified on the ground that he has been convicted of treason, felony or bribery, and not subsequently restored to civil rights:

1. Have you ever been tried and convicted in this state of any crime? If yes—
2. Of what crime, when and in what court were you so convicted?
3. Have you in any manner since such conviction been restored to civil rights; and if yes, how?

Seventh. If the person be challenged as unqualified on the ground that he has been engaged, directly or indirectly, in a dual, either as principal or accessory:

1. Have you ever been engaged in any duel, directly or indirectly, either as a principal or as a second, or in counseling or aiding either principal or second, in a duel? and if yes, then—
2. When and where, and had you before that time been an inhabitant of this state?

Eighth. If the person be challenged as unqualified on the ground that he is a person of Indian descent and a member of an Indian tribe, or an uncivilized Indian:

1. Are you a person of Indian descent?
2. Of what tribe or nation are you a descendant?
3. Are you now a member of any Indian tribe?
4. Have you received any annuity from the United States or any agent thereof, or shared in any; and if so, when did you last so receive or share in any?

The inspectors, or one of them, shall put such other questions to the person challenged as may be necessary to test his qualifications as an elector at such election.

Section 19. In determining the question of residence as a qualification to vote, the following rules, so far as applicable, shall govern, and if a person offering to vote be challenged as unqualified on the ground of residence, the inspector shall admonish him of such rules and put to him such further questions as shall be proper to elicit the facts in respect thereto, namely:

First. As prescribed in the constitution, no person shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state; and no soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed within the same.

Second. That place shall be considered and held to be the residence of a person in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he has the intention of returning.

Third. A person who shall not be considered or held to have lost his residence, who shall leave his home and go into another state, or county, town or ward of this state, for temporary purposes merely, with an intention of returning.

Fourth. A person shall not be considered to have gained a residence in any any ward of this city into which he shall have come for temporary purposes merely.

Fifth. If a person remove to another state, with an intention to make it his permanent residence, he shall be considered and held to have lost his residence in this state.

Sixth. If a person remove to another state with an intention of remaining there for an indefinite time, and as a place of present residence, he shall be considered and held to have lost his residence in this state, notwithstanding he may entertain an intention to return at some future period.

Seventh. The place where a married man's family resides shall generally be considered and held to be his residence, but if it is a place of temporary establishment for his family, or for transient objects, it shall be otherwise.

Eighth. If a married man has his family fixed in one place, and he does his business in another, the former shall be considered and held to be his place of residence; but if a married man has not resided with his family for the space of one year, his residence shall be held to be his voting place.

Ninth. The mere intention to acquire a new residence without the fact of removal shall avail nothing; neither shall the fact of removal without intention.

Tenth. If a person shall go into another state, and while there exercise the right of a citizen by voting he shall be considered and held to have lost his residence in this state.

Eleventh. No person shall be deemed to have gained a residence in any ward in this city, so as to entitle him to vote at any election therein, by remaining in such ward as a pauper, supported by the town or county in which he shall be living at the time of such election; and no person shall be deemed to have lost his residence in any ward by remaining in any other town, ward or village as such pauper.

Section 20. If the person challenged shall refuse to answer fully any questions so as aforesaid put to him, the inspectors shall reject his vote. If the challenge be not withdrawn after the person offering to vote shall have answered such questions, one of the inspectors shall then tender to him the following oath or affirmation: You do solemnly swear (or affirm, as the case may be,) that you are twenty-one years of age; that you are a citizen of the United States (or that you have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization); that you have resided in this state one year next preceding this election; that you are now a resident of this ward; that you have not voted at this election, and that you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election, and that you are not on any other ground disqualified to vote at this election. If the person challenged shall refuse to take such oath or affirmation, his vote shall be rejected; but if he shall then take such oath, his vote shall be received.

Section 21. The inspectors shall reject the vote of any person under guardianship, non compos mentis, or insane; and no elector shall vote in any ward unless he is a qualified elector of said ward.

Section 22. The inspectors shall possess full authority to maintain order and enforce obedience to their lawful commands during an election and during the canvass of the votes. If any person shall refuse to obey the lawful commands of the inspectors, or by disorderly conduct in their presence or hearing shall interrupt or disturb their proceedings, they may order any constable or other person to take him into custody during the election.

Section 23. As soon as the poll of the election shall be finally closed, the inspectors shall proceed immediately to canvass publicly, in the presence of all persons desiring to attend the same, the votes received at such poll, and continue without adjournment until the canvass is completed and the statements hereinafter required are made. They shall commence by a comparison of the poll lists and the correction of any mistakes therein, until they shall be found or made to agree. The box shall then be opened and the ballots therein taken out and counted by the inspectors, unopened, except so far as to ascertain whether each ballot is single; and if two or more ballots be found so folded together as to present the appearance of a single ballot, they shall be laid aside until the count of the ballot is completed; and if, upon a comparison of the count and the appearance of such ballots, a majority of the inspectors shall be of opinion that the ballots thus folded together were voted by one elector, they shall be destroyed. If the ballots in the box shall be found to exceed in number, after any such ballots folded together are destroyed, the whole number of votes on the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw therefrom by chance and without examination thereof and destroy so many ballots unopened as shall be equal to such excess. The number of ballots agreeing, or so as aforesaid being made to agree, with the poll lists, the inspectors shall then proceed to open and count and ascertain the number of votes.

Section 24. The canvass being completed, the inspectors shall then publicly announce the result thereof, specifying the whole number of votes cast for each office, and each person to fill the same respectively, and for and against each proposition voted for at such election, and shall immediately draw up a statement in writing thereof, in duplicate, setting forth therein in words at length and in figures the whole number of votes given for each office at such election, the names of all the persons for whom such votes were given as shown upon the ballots, and the number of votes so given for each person and the number of votes given for and against each proposition voted for, if any, at such election, which statements they shall certify to be correct and subscribe with their names, and shall within three days thereafter file the same, together with the poll lists, in the office of the city clerk.

Section 25. If the inspectors shall determine that any ballots are so defective that the same should not be canvassed, in whole or in part, they shall make a statement in writing in duplicate, certified to be correct, and signed by them, of the contents of each of such ballots, and attach the same to the aforesaid statements of the canvass; and they shall carefully seal up in an envelope all such ballots, and deliver the same with the aforesaid statements to the city clerk, to be preserved in his office. All other ballots shall be destroyed on completion of the canvass.

Section 26. Upon the filing of the aforesaid statements the common council shall meet and canvass the same, and declare the result of the election, and it shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appointed, and unless such person shall respectively qualify within ten days thereafter, the offices shall become vacant.

Section 27. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the inspectors and clerks of the ward in the same manner, and the returns thereof shall be made in the same form, and within the time prescribed in the preceding sections of this chapter.

Section 28. The term of every officer elected under this act shall commence on the third Tuesday in April of the year for which he was elected, and shall, unless in this act otherwise provided, continue for one year, and until his successor is elected and qualified.

Section 29. Should there be a failure for any cause by the people to elect any of the officers herein required to be elected on the day designated, the common council may order a new election for such office to be held, ten days' notice of the time and place of holding such election being first given

Section 30. If any person challenged as unqualified to vote, shall be guilty of willful and corrupt false swearing or affirming, in taking any oath or affirmation provided by this act, such person shall be adjudged guilty of willful and corrupt perjury, and upon conviction thereof shall suffer the punishment attached by the laws of this state to the crime of perjury. If any person who is not a qualified voter shall vote at any election held under the provisions of this act, or if any person duly qualified to vote for the officers elected at large in said city, or on a proposition submitted to the electors thereof shall vote in any ward other than the one in which he resides, or shall vote more than once at the same election, he shall be guilty of a misdemeanor, and on conviction thereof he shall be imprisoned in the county jail for a term of not more than three months, or by a fine not exceeding one hundred dollars.

Section 31. A reasonable compensation shall be paid to inspectors and clerks of election, and constables, employed and performing duties under the provisions of this chapter, to be fixed by the common council, and paid from the treasury of the city.

Section 32. An inspector or clerk who shall knowingly make or assist in making any untrue or false statement or canvass of such votes, or any false certificate thereof, or who shall willfully alter or destroy any statement or canvass of such votes or certificate thereof truly made, or any return, statement, canvass or certificate of such votes cast at any election, or who shall make or assist in making any canvass or statement of such votes, or sign or make or assist in making any certificate of the correctness thereof, which shall include or contain any votes, or statement or return of votes, in the form of additional or supplemental return, or who shall count, canvass or consider any such additional or supplemental returns, in determining the result of any election, shall be punished by imprisonment in the state prison, not more than three years nor less than one year, or in the county jail, not more than one year, or by fine not exceeding five hundred dollars.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Section 1. Every person chosen or appointed to an office or place of trust under this act shall take and subscribe the oath of office prescribed in the constitution of this state to be taken by executive and judicial officers, and file it, duly certified by the officer before whom it was taken, with the clerk of the city.

Section 2. The mayor shall, before he enters upon the duties of his office, in addition to the usual oath, swear or affirm that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require. He shall, when present, preside over the meetings of the common council, and shall have a vote only in case of a tie, but shall in no case have a vote in the appointment of any officer or agent appointed under this act; and every ordinance, resolution or by law mentioned in chapter 4 of this act, passed by the common council, shall, before it takes effect, be presented by the clerk to the mayor. If he approves, he shall sign and return it to the clerk, but if not, he shall return it, with his objections, to the common council at its next stated meeting. The common council may then reconsider the vote by which such ordinance, resolution or by-law was passed. If, after such reconsideration, two-thirds of the members of the common council pass such ordinance, resolution or by-law, it shall take effect; and if an ordinance, shall become an ordinance of the city. The mayor may also withhold his signature to any order directed to be drawn upon the city treasurer, but the common council may, at any stated meeting thereafter, by two thirds vote of its members, direct the mayor to sign such order. Thereupon the clerk shall immediately indorse upon the back of such order: "The mayor is directed by two-thirds vote of the common council to sign this order." The clerk shall then sign such indorsement, and such order shall then be as valid against the city as if signed by the mayor. He shall also take care that the laws of the state and the ordinances are duly enforced, observed and respected and that all other executive officers of the city discharge their respective duties. He shall from time to time give the council such information and recommend such measures as he may deem advantageous to the city. The mayor shall likewise have the power, ex officio, to administer any oath required to be taken by this act, and shall be the chief executive officer and the head of the police of the city; and he shall have the power, whenever in his opinion the exigency of the case shall require it, to appoint as many special or temporary police as he may deem necessary; but such appointment of such police shall not continue after the next meeting of the council without the approval of the council, and then only such of them and for such specified time, not exceeding ninety days, as the common council may designate.

Section 3. The mayor may call special meetings of the common council by notice to each of the members of said council, served personally or left at their usual places of abode.

Section 4. At the first meeting of the common council in each year, the aldermen shall proceed to elect by ballot one of their number president, and in the absence of the mayor the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability from any reason to discharge the duties of his office, the said president shall have and exercise all the powers and perform all the duties of mayor, until the mayor shall resume his office, or the vacancy be filled by a new election. In case the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of mayor. The president, or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and may vote as an alderman but not as mayor.

Section 5. The members of the common council shall be fire-wardens and conservators of the peace, and shall be exempt from jury duty during their term of office.

Section 6. The clerk shall keep the corporate seal and all papers belonging to said city, and make and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall likewise draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns; and all chattel mortgages so filed, shall be as valid and have the same effect as if the same had been filed in the town clerk's office of any town. He shall annually, on or before the first Monday of May, in each and every year, make or cause to be made a correct list and enrollment of all persons within the several wards liable to perform highway work. One copy thereof he shall deliver to the street commissioners and one copy he shall file in his office. It shall be his duty to do and perform every act required to be done by the clerks of towns, not inconsistent with the provisions of this act, and shall have authority to administer oaths and affirmations, and shall receive a salary to be fixed by the common council. Such clerk may appoint a deputy, subject to the approval of the common council, to act in the absence or disability of the clerk.

Section 7. The treasurer shall receive all moneys belonging to the city and to the several wards, and keep his books and accounts in such manner as the common council may prescribe, and such books and accounts shall always be subject to the inspection of the members of the common council, and committees appointed by the council to inspect the same.

Section 8. The treasurer shall keep a separate account of the funds of each ward and the city, and each fund or appropriation, and the debts and the credits belonging thereto. He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and upon what account paid, and file a duplicate thereof in his office.

Section 9. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the finance committee appointed by the common council, showing the state of the treasury at the date of such account and the balance of money in the treasury, and all the receipts and expenditures of the month, and it shall be the duty of such finance committee to report the same to the common council at its next meeting thereafter. The treasurer shall also accompany such account with all orders redeemed and paid by him, which said account and orders, with any and all other vouchers held by him, shall be delivered over to the city clerk, and filed in his office, after the same shall have been examined by the common council.

Section 10. The treasurer shall also report to the common council annually, in the month of March, at least two weeks before the annual election, and oftener if required, a full and detailed account of all receipts and expenditures, and the state of the treasury. He shall also keep a register of all orders redeemed and paid into the treasury during the year, describing such order, amount, number, the fund from which payable, and persons to whom paid, specifying also the time of the receipt thereof; and all such orders shall be examined at the time of making such annual report to the common council by the finance committee, who shall examine and compare the same with the books of the clerk and files in his office, and report discrepancies, if any, to the common council.

Section 11. The treasurer shall keep all moneys in his hands belonging to the city or any of the wards, distinct and separate from his own moneys, and he is hereby expressly prohibited from using, either directly or indirectly, any such moneys, or the orders in his custody and keeping, for his own use and benefit, or that of any other person or persons, whomsoever; and any violation of this provision shall subject him to immediate removal from office by the common council, which is hereby authorized to declare said office vacant, and to appoint a successor to said officer, who shall hold his office for the remainder of the unexpired term of such officer so removed. And if the treasurer, or any person or persons connected with him in the collecting, safe keeping and disbursing of said city and ward funds, or either of them, shall convert to his or their own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan with or without interest, any portion of said city or ward funds entrusted to him or them for safe keeping, disbursement, payment, transfer or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be so taken, converted, invested, used or loaned, which is hereby declared an embezzlement within the meaning of section 4418 of chapter 182 of the revised statutes of 1878; and every officer or agent of said city, and all persons advising or participating in such act, or being a party thereto, shall upon conviction before a court of competent jurisdiction in this state, be punished as provided in section 4418 of chapter 182 of the revised statutes of 1878.

Section 12. The treasurer shall have power and perform the duties hereinafter prescribed, in the collection of taxes and assessments, and in addition thereto have the same powers and duties, and be subject to the same liabilities as treasurers in towns, so far as said powers, duties and liabilities are not inconsistent with the provisions of this act, and shall receive for collecting all taxes and assessments levied by said city, and for all other services performed by him as treasurer of said city, such annual compensation or salary, to be paid quarterly, as shall be fixed by the common council, on or before the first of March, for the ensuing year, which salary shall not be increased nor diminished during his term of office; and all fees received by said treasurer as such treasurer shall be paid into the treasury of and belong to said city, and shall constitute a part of the general fund.

Section 13. The treasurer of the city shall, in each year, and within ten days after he enters upon the duties of his office, file with the city clerk a report, made under oath, stating the amount of money in his hands belonging to the different funds, and a full statement of the situation of the treasury. If the treasurer shall refuse or neglect to make such report within the time aforesaid, his office shall be deemed vacant, and the common council proceed to elect his successor by ballot.

Section 14. The treasurer shall, on the first Tuesday of April in each year, if directed by the common council, file a report in the city clerk's office, which shall contain a full statement of all moneys received by him during the year, and the manner in which the same has been disbursed, and a full and complete statement of the treasury at the date of such report; and the reports mentioned in this section shall be under oath, and shall be published, when directed by the common council; and the reports required by sections 13 and 14 shall not be construed so dispense with the making of any reports now required to be made by the treasurer.

Section 15. If the treasurer shall refuse or neglect to make his report in accordance with the preceding section, he shall forfeit and pay for the use of said city the sum of one hundred dollars; but this provision shall not in any way affect his liability upon his official bond.

Section 16. Every person elected to the office of constable under this act shall, before he enters upon the duties of his office, with two or more sureties to be approved by the common council, execute in the presence of the clerk of said city an instrument in writing, by which said constable and sureties shall jointly and severally agree to pay to each and every person who shall be entitled thereto, all such sums of money as the said constable may be liable to pay by reason or on account of any summons, execution or other process or proceeding which shall be delivered to him for collection, and for all moneys which may come into his hands as such constable. The clerk shall certify the approval of the common council on such instrument, and file the same in his office, and a copy thereof certified by the clerk under the corporate seal of said city shall be presumptive evidence in all courts and places of the execution thereof by such constable and sureties; and such constable shall have and possess all the powers of constables in towns.

Section 17. The city attorney shall act as attorney and counsel for said city in all suits or legal proceedings in which the city shall be interested, shall attend all meetings of the common council, shall give opinions on all matters referred to him by said common council, or any authorized committee thereof, when thereunto requested by such common council or such committee, and generally to attend to all legal business of said city, and for his services so rendered shall receive a salary to be fixed by the common council, together with a payment of any expense or disbursement necessarily incurred by him while in the performance of his said duties.

Section 18. The city marshal, when appointed, shall have all the powers of a constable under the laws of this state. It shall be his especial duty to cause all laws, ordinances, orders, resolutions and by-laws in force in this city, to be kept, observed and performed, and to do and perform such acts and duties as said council shall from time to time direct and prescribe. The common council shall fix the salary of said marshal at said sum per month as it shall deem just, and all legal fees to which he shall become entitled as such marshal shall belong to said city and shall become a part of its general fund. It shall be the duty of such marshal to keep an account of all fees that shall become due him as such marshal, and report the same, in writing, to the common council, monthly, under oath, giving a detailed statement from whom due and the title of the cases, and before whom the same were brought, together with such additional information relating thereto as the council shall require. All such fees shall be paid to the treasurer of said city for said city by the judge, justice, person, town, city or county from whom the same are due, or in whose custody the same may be, on demand therefor; and said marshal shall, in all ways and upon request, do any act or thing necessary to enable said city to collect such fees.

Section 19. The street commissioner shall take the oath of office prescribed for the aldermen, and shall within five days from the date of his appointment give a bond to the city in the penal sum of one thousand dollars with good and sufficient sureties, to be approved by the mayor, conditioned for the faithful performance of the duties of his office and for such other duties as may be required of him by the council, and for the proper expenditure of the money which may be collected or come in his hands by virtue of his office.

Section 20. It shall be the duty of such street commissioner, within ten days after his appointment, confirmation and qualification, and at any other time he may deem necessary or the common council shall direct, to inspect all the streets and highways of the city, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts and bridges; and all things and matters appertaining to the streets and highways, and report in writing to the common council recommending what, in his opinion, is necessary and ought to be done thereto, and he shall make and keep a duplicate of his report. On receipt of said report the common council may consider the same, add to, amend, strike out, or change any item as it may deem best and direct said commissioner to do or cause to be done under his supervision, all or any part of the work mentioned in said report. The city clerk shall certify to said street commissioner the action of the council thereon. Upon receiving the same said commissioner shall proceed and cause to be executed under his immediate supervision, all such necessary work or repairs as shall have been directed by the common council, in such manner and by such means as it may from time to time direct; but in no event shall said commissioner incurr any indebtedness otherwise than that provided by the common council.

Section 21. The street commissioner may add to the list of persons liable to perform highway work, furnished him by the clerk as provided in this act, the names of persons liable to perform said highway work not included in such list.

Section 22. It shall be the duty of the street commissioner to give at least three days' notice to each person mentioned in said list, either personally or in writing left at his usual place of abode, of the time and place within his ward such labor shall be required; and said street commissioner may require all persons offering to pay in labor to furnish a spade, shovel, ax, or hoe. Every person intending to pay his said tax in labor, who shall, upon notice, appear and work agreeably to the direction of said street commissioner, shall be credited on his tax one dollar for each day's work of eight hours actually performed by him. If any person notified shall neglect to appear and work on any street, highway, or lane at the time and place specified in the notice required to be given, such person shall not thereafter be entitled to pay his highway tax for that year in labor.

Section 23. It shall be the duty of said street commissioner to collect the money of the persons so liable to perform highway work, where they elect to pay the same, or to commute the same, as now provided by law.

Section 24. In case any person who may be liable to pay a poll tax as provided for in this act, shall refuse to work or pay the same, it shall be the duty of said street commissioner to proceed and collect the same in the manner now provided for in section 911 of chapter 40 of the revised statutes of 1878, and the same powers are conferred upon said street commissioner in collecting the same as is conferred upon town and village treasurers by said section and act; said money, when so collected, to be paid into the treasury of said city of Janesville, and become a part of the ward fund of the ward in which the person paying the same shall reside, and shall be expended only by direction and order of the common council, upon the streets and highways of said city.

Section 25. The said commissioner shall have control and charge of all teams, wagons, tools and implements owned by said city and used upon the streets of said city. He shall also employ such help, teams, tools and implements as he may require for the performance of all work necessary to be done by him, and shall carry out the details of the general plan laid out for him by the common council, and by the highway, street and bridge committee. He shall keep a record time book of the time of all person and teams employed by him, where employed and what materials used, and where used, the price to be paid for help, teams and materials; and no bill for services or materials furnished and used upon the streets shall be allowed by the common council unless first certified to as correct by said commissioner, and in no event shall said street commissioner be interested in or own any teams employed by him in performing any work provided to be done by the provisions of this act; he shall also perform such other duties as the common council shall direct, relative to streets.

Section 26. The maximum price to be paid for employes and teams shall be fixed by the council, but the said commissioner shall have the selection and control of the employes and terms so used. It shall also be the duty of said commissioner to make to the common council an annual report of his doings, or oftener if required by them, giving in detail where and what work has been done or performed, where and by whom performed, the amount by him certified to the respective persons who perform work, furnish teams, materials, tools and implements, together with such other information as the said council may direct or demand. said respective reports shall have annexed thereto an affidavit, signed by and sworn to by said street commissioner before some person authorized to administer oaths stating that said reports are in substance and detail true, and for any false swearing in connection with said reports by said commissioner he shall be deemed guilty of perjury and be subject to be punished as one guilty of perjury under the laws of this state.

Section 27. The sealer of weights and measures shall keep the weights and measures, scales and beams owned by the city, and he shall prove and seal all scales, beams, weights and measures presented to him for that purpose, and shall be entitled to receive from the person presenting the same a fee of six cents for the first sealing of every weight, measure, scale, or beam, and four cents for every subsequent sealing of the same, and a reasonable compensation for all alterations made in said articles; he shall also provide and keep a seal like unto the seal required by law to be kept by the state treasurer, with which he shall seal all such scales, beams, weights and measures.

Section 28. If the sealer of weights and measures shall neglect to perform his duties as prescribed in this act, he shall forfeit for each neglect the sum of five dollars. Once in every three years, he shall cause the said standards in his keeping to be tried, proved and sealed by the county standard, under the direction of the county treasurer.

Section 29. The common council shall have power from time to time to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers appointed or elected to any office by this act, whose duties are not herein specially mentioned, and fix their compensation. They may also require bonds to be given to the city of Janesville by all officers, for the faithful performance of their duties.

Section 30. The treasurer and all other officers and agents of said city shall severally, before they enter on the duties of their respective offices, execute to the city of Janesville a bond, in such sum and with such sureties as the common council shall approve, conditioned that they shall faithfully execute the duties of their offices, and account for and pay over all moneys and other property received by them as such officers, which bonds, with the approval of the common council, certified thereon by the clerk, shall be filed with the clerk.

Section 31. If any person having been an officer in said city shall not, within ten days after notification and request, deliver to his successor in office all the property, papers and effects of every description in his possession belonging to said city, or appertaining to the office he held, he shall forfeit and pay to said city one hundred dollars, besides all damage caused by his neglect or refusal to deliver, and such successor shall and may recover possession of the books, etc., appertaining to his office, in the manner prescribed by the laws of this state.

CHAPTER IV.

OF THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Section 1. The mayor and aldermen shall constitute the common council of said city, and the style of all ordinances shall be, "The mayor and common council of the city of Janesville do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum for the transaction of business.

Section 2. The common council shall hold stated meetings, and a majority of the aldermen may call special meetings by notice to each of the members of said council, served personally or left at their usual places of abode. The council shall determine the rules of its own proceedings, and be judges of the election and qualification of its own members, and have power to compel the attendance of absent members.

Section 3. The common council shall have the care, management and control of the property of the city, and its finances, as in this act provided. It shall have the power to make, enact, ordain, establish publish and enforce such ordinances as it shall deem expedient, not repugnant to the constitution and laws of this state or of the United States, and to alter, amend, modify and repeal the same, for the good government of the city, the preservation of peace and good order, the suppression of vice and immorality, the benefit of trade and commerce, and the health and safety of the inhabitants thereof, and such other ordinances, rules and regulations as may be necessary to carry such power into effect. It is also particularly authorized to enact ordinances for the following purposes:

First. To preserve peace and good order, and to restrain and prevent vice, immorality and every kind of fraudulent device and practice.

Second. To restrain, prevent and suppress houses of ill-fame, disorderly and gaming houses, billiard tables and all instruments and devices for gaming, and to authorize the destruction and demolition of all instruments and devices used for the purposes of gaming.

Third. To restrain and punish vagrants, mendicants, street beggars, drunkards and persons soliciting alms, keepers of houses of ill fame, common prostitutes, bawds and disorderly persons, and to prevent drunkenness and disorderly and immoral conduct and obscenity in public places and streets, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Fourth. To prevent any riot, noises or public disturbances, and all disorderly assemblies.

Fifth. To regulate and license auction sales, and to prohibit hawking and peddling in the streets without license.

Sixth. To prevent the selling, dealing in or giving away any strong, spirituous, vinous and fermented liquor or liquors, unless duly licensed thereto by the common council, as hereinafter provided.

Seventh. To regulate the keeping and conveying of gunpowder, camphene, burning fluid, and other combustible and dangerous materials, and the use of candles and lights in barns and stables.

Eighth. To appoint and establish places for exposing for sale wood, coal, hay, straw and lime, wheat, corn, oats, barley and all other articles brought into said city for sale, and regulate the selling of the same.

Ninth. To restrain and regulate the soliciting of passengers for any means of public conveyance, and of guests for taverns, hotels and public boarding houses, and the ringing of bells.

Tenth. To license, regulate and suppress draymen, hackmen, porters omnibus drivers, cabmen, carmen, and other persons who may pursue like occupations, with or without vehicles, and to limit their compensation.

Eleventh. To license, regulate and restrain all exhibitions of natural or artificial curiosities or animals, all theatrical or other shows, exhibitions, musical entertainments, circuses, and all other exhibitions, amusements or performances for money.

Twelfth. To punish by fine or otherwise the use of false weights or measures.

Thirteenth. To direct and require the keeping of bills of mortality by physicians, sextons and others.

Fourteenth. To regulate or prevent the running at large of dogs, and to destroy them, and to impose a tax upon owners or possessors of dogs.

Fifteenth. To restrain and prohibit the running at large of cattle, horses, mules, sheep, swine and geese in said city, and to cause such as may be found running at large to be impounded, forfeited and sold to discharge the penalty for the violation of the ordinances, and the expenses of impounding and sale.

Sixteenth. To establish and regulate public pounds, and to appoint masters thereof from time to time.

Seventeenth. To determine what are nuisances and to prevent, abate and remove the same.

Eighteenth. To prevent and punish horse-racing and immoderate driving or riding in the streets or highways, and every game, practice or amusement in the streets or elsewhere, having a tendancy to frighten teams or horses, or to annoy persons passing in or along the streets or highways, or to endanger property.

Nineteenth. To prevent the discharge of firearms, rockets, gunpowder and fireworks of every description, in any place which may be considered by the common council dangerous to the city or any property therein, or annoying to any of the citizens thereof.

Twentieth. To erect and maintain lamp posts along any of the streets, or on the public grounds of said city, and to protect the same from injury and to prevent interference therewith, and to light the streets, public grounds and buildings in said city, with gas or other light.

Twenty-first. To establish, make and regulate public wells, aqueducts and reservoirs for water for the protection of the inhabitants of the city, and its protection against fires, and to prevent unnecessary waste of water.

Twenty-second. To compel all persons to remove the dirt, snow and ice from the sidewalks in front of the premises occupied or owned by them, and to keep the streets swept in front of such premises, and to prevent the encumbering of the streets, sidewalks and crosswalks with carriages, wagons, carts, sleighs, wheelbarrows, boxes, wood, lumber, timber or other substannces or materials whatsoever, to prohibit excavating on streets or the raising or lowering the surface of streets, crosswalks, or sidewalks, above or below the established grade, or the interference in any manner with the established grade of streets, and to prohibit injury to sidewalks.

Twenty-third. To remove all encroachments upon streets or highways.

Twenty-fourth. To prescribe the duties of constables designated to perform police duties, chief engineer and members of the fire department in said city, and the duties of citizens upon occasions of fires.

Twenty-fifth. To require the occupants of buildings to provide themselves with fire-buckets, and to prescribe the manner in which they shall be marked and kept, and to regulate their use at fires.

Twenty-sixth. To compel railroad companies and other corporations and persons to do all needful and proper draining, grading and filling upon the lands owned or occupied by them within the limits of said city; to compel railroad companies to construct and keep in repair suitable street crossings and carriage ways over their several tracks, and place flagmen at such street crossings in said city as said council may designate; to regulate and restrain the speed of cars in passing through said city, and to prevent the obstruction of streets, lanes and highways by the cars of said companies, and to regulate the putting up of all necessary signs to beware of cars at railroad and street crossings.

Twenty-seventh. To regulate the construction of chimneys, and to compel the cleaning thereof by the owners.

Twenty-eighth. To prevent the dangerous construction or condition of chimneys, fire-places, hearth-stones, stove-pipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition, and to direct and regulate the manner of keeping ashes.

Twenty-ninth. To regulate and provide the carrying on of manufactories dangerous in causing or promoting fires, or disagreeable or unwholesome odors.

Thirtieth. To compel the owners or occupants of buildings to have scuttles in their roofs, and stairs and ladders leading to them.

Thirty-first. To authorize the mayor, aldermen, constables, engineer, and other officers of the city, to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all persons in said city to aid in the extinguishment of fires and the protection and preservation of property thereat.

Thirty-second. To authorize and require the fire wardens in said city, or other officers, to enter all buildings and enclosures at proper times, to ascertain whether their arrangements for fire, or the preservation of ashes are dangerous, and to cause such as are dangerous to be put into a safe condition.

Thirty-third. To organize a board of health, and to provide measures for the preservation of the health of the inhabitants of the city, and to prevent the spread of infectious or pestilential diseases therein. The board of health shall consist of the senior alderman of each ward, the mayor, who shall be its president, and a practicing physician. Such physician shall be elected by the common council, by ballot, and shall hold his office during the pleasure of the council. Such physician shall be known and designated as the health office of the city of Janesville. Such health officer, or in case of his absence or disability, any member of the board of health, shall have such powers and perform such duties as the common council by ordinance or otherwise shall direct. The health officer shall be compensated as the common council may direct. The city clerk shall be ex officio clerk of the board of health. The common council may by ordinance authorize the board of health to make and enforce such orders, rules and regulations, not inconsistent with the charter or any ordinance of said city, as they shall deem most effectual for the preservation of the public health, but no order, rule or regulation of said board imposing a penalty, shall take effect and be in force, until the same shall have been published at least six days successively, in a daily newspaper published in said city.

Thirty-fourth. To direct or compel, and regulate the planting, rearing and preservation of ornamental trees in the streets and public grounds in said city.

Thirty-fifth. To improve and ornament public parks and pleasure grounds, and by ordinance or resolution, regulate their preservation and use.

Thirty-sixth. To cause to be made a survey of Rock river, which within the city limits is hereby declared to be a public highway, and to establish the boundary thereof, and generally to exercise the same powers over said river within the limits as they may do over the streets and highways in said city, under the virtue of this act: provided, that nothing in this act shall be construed so as to give said city of Janesville the right to obstruct the navigation of said river: provided, further, that the cost of such survey shall be paid by the property bounded by said river.

Thirty-seventh. To prevent the burial of the dead within the limits of said city.

Thirty-eighth. To require every merchant, retail trader and dealer in merchandise or property of any description, which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer of weights and measures, and to be subject to his inspection, the standard of which weights and measures shall be conformable to those now established by law.

Section 4. The common council shall have power by ordinance, resolution or order:

First. To compel the owner or occupant of any grocery, cellar, chandler's shop, soap factory, tannery, stable, slaughter house, barn, privy, sewer, or other unwholesome or nauseous house, building or place, to cleanse, remove or abate the same, whenever and as often as it shall deem it necessary for the health, comfort and convenience of the inhabitants of said city; and in case such owner or occupant will not, or shall neglect to proceed as directed to cleanse, remove or abate the same, to cause it to be done at the expense of such owner or occupant, and recover such expense in a civil action against such owner or occupant, as the case may be.

Second. To require the removal or destruction of any dead carcass or other unwholesome or offensive substance or substances likely to become unwholesome or offensive from any street, lot or building, by the owner or occupant thereof, and in case such owner or occupant will not proceed as required to remove or destroy the same, then to cause the same to be done at the expense of such owner or occupant, and to recover such expense of such owner or occupant, as the case may be, in a civil action.

Third. To make and establish such rules and regulations as it may deem necessary to prevent the introduction into said city, or the spread thereof, of any pestilential or infectious disease and to cause any person or persons not residents of the city infected with any such disease, to be removed to some suitable and proper house or hospital within the city, to be nursed and treated for such disease.

Fourth. To require any building, fence or other erection which may be placed within or erected upon the boundary of any street or highway in said city, to be removed therefrom by the owner or occupant, and in case of his neglect to remove the same to cause it to be removed at the expense of such owner or occupant, and to recover such expense in a civil action against such owner or occupant.

Fifth. To license and regulate the exhibition of natural and artificial curiosities, caravans, circuses, and other shows and exhibitions, musical entertainments, the keeping of billiard tables, pin alleys, nine or ten pin alleys, and ball alleys, and issue licenses to hotel, tavern, saloon, grocery and victualing house keepers, and all persons who may desire to vend or deal in spirituous, vinous or fermented liquor and liquors; provided, that all licenses for the sale of spirituous, vinous and fermented liquors which are issued shall expire on the first day of May in each year, unless sooner revoked, and may be granted for a less period than one year.

Sixth. To establish the sum to be paid therefor, for which license for vending and dealing in spirituous, vinous and fermented liquors shall not be less than fifty nor more than one hundred and fifty dollars per annum, and pro rata for any less time than one year. Provided, that no such license shall be granted except upon the application in writing of the applicant, therein describing particularly, the place where, in said city, he desires to deal in or vend such spirituous, vinous, or fermented liquor or liquors; and provided further, that no such license shall be issued to such applicant until he shall, with two or more sureties to be approved by the common council, execute in the presence of the city clerk an instrument in writing by which such person so applying for such license and sureties, shall jointly and severally agree to pay to the city of Janesville the sum of one hundred dollars for each and every violation of any ordinance, rule or resolution or by-law of said city in the relation to the vending or dealing in such liquor or liquors in force in said city at the time of such violation. No provision in this act shall be construed as giving any power to said common council to grant a license to any person or persons to sell, vend, give or deliver in any way, to any minor any spirituous, vinous or fermented liquor or liquors, nor to sell, vend, give or deliver in any way, to any person or persons, any spirituous, vinous or fermented liquors on the day of any election in said city, nor on Sunday. No license granted under the provisions of this act shall be transferable, nor shall the privileges of any license granted under this act be exercised in any other place or building than the one described in the application therefor, without the consent of the council thereto, and upon such conditions as it may impose. No license shall be granted for the keeping of any billiard table, pin alley, nine or ten pin alley, for a sum less than twenty-five dollars for each and every billiard table, pin alley, nine or ten pin alley or ball alley so licensed.

Seventh. To revoke, vacate and annul any license by it granted for any violation of any provision of this act, or any ordinance, resolution, rule, order, regulation or by-law of the common council of said city, relating to the subject matter of such license, and for keeping a disorderly house or place where any billiard table, pin alley, nine or ten pin alley, or ball alley is kept, or such liquor or liquors are sold, vended or dealt in, and for vending, selling, giving away or delivering in any way such liquor or liquors to any minor, and for selling, vending, giving away or delivering in any way to any person or persons, any spirituous, vinous or fermented liquor or liquors on the day of any election in said city, or on Sunday: provided, that no license shall be revoked, vacated or annulled, except on notice in writing setting forth the acts or omissions complained of, to the person having such house, notifying him or her to show cause before the common council of said city, on a day certain, therein to be inserted, why his or her license should not be revoked, vacated and annulled.

Section 5. The common council shall have power, by an affirmative vote of two-thirds of its members, for due cause, to expel any of their own members, and to remove from office any officer or agent under the city government, due notice being first given to the officer or agent complained of to appear and show cause before the common council why he should not be removed. The common council shall have power to compel any and all persons in said city to appear before it and testify on any hearing or proceeding instituted to remove from office any officer mentioned in this act, or any agent under said city government, for any violation of duty or of any provision of this act, or of any ordinance, resolution, rule, order, regulation or by-law of the common council of said city, either of omission or commission, and such violation shall be cause for removal, and to revoke and vacate any license granted under this act; and for that purpose said common council may make its order commanding the person or persons therein named to appear before it and testify, which order shall be certified by the clerk of said city, under the corporate seal thereof, and personally served on the person or persons therein named, by delivering to each a true copy thereof; and for the purpose of compelling such appearance before it, and the giving of the testimony on such hearing or proceeding, the said common council are hereby vested with the same power and authority possessed by any court of record in this state, and any violation or disobedience of such order shall subject the person violating or disobeying the same to the same penalties attached by the state to the violation of or disobedience to the commands or requirements of a subpœna issued out of any court of record in this state.

Section 6. The common council may enfore observance of all ordinances, resolutions rules, orders, regulations and by-laws which it is permitted to make, ordain and pass, in order to carry into effect the powers vested in it by the imposition of fines or penalties on the persons violating the same, not exceeding fifty dollars for one violation, except in cases herein otherwise provided to be recovered in a civil action in any court having cognizance thereof; and shall have the power to appoint or employ an attorney to aid in conducting any legal business of said city.

Section 7. All laws, ordinances, resolutions and by-laws mentioned in this chapter shall be passed by an affirmative vote of a majority of the common council present except as herein otherwise provided, and shall be signed by the mayor or presiding officer, except as provided in section two (2) of chapter three (3) of this act.

Section 8. The common council shall have power and is hereby authorized to provide for, construct and maintain free bridges at such points over Rock river and Spring brook within the limits of said city as may be designated by said council, and to repair and rebuild the same, and whenever it shall become necessary to construct the same or rebuild any of the bridges heretofore or hereafter constructed across said river or said brook, the common council may by a vote of a majority of its members, levy a tax upon the real and personal property in said city, and collect such sum or sums, not exceeding twenty thousand dollars in any one year, as may be necessary for that purpose, or in case said council shall deem it expedient and best, it may by a vote of a majority of its members borrow such sum or sums, not exceeding the aforesaid sum in any one year, as may be necessary for the purposes aforesaid, and issue the bonds of said city therefor in such form and of such amounts as it shall deem best, and bearing interest at a rate not exceeding eight per cent. per annum, the principal and interest to be payable at such time and place as the council may direct, and in case said common council shall borrow any sum or sums and issue bonds therefor, said council shall have power and are hereby authorized to annually levy a tax upon the real and personal property in said city and collect such sum as may be necessary to pay and discharge the interest on said bonds, and when the principal sum secured by said bonds shall become due said council shall have power and is hereby authorized to levy a tax upon said property and collect the amount due upon said bonds; provided, that the common council shall not have power to construct any bridge over Rock river or Spring brook at any place where no bridge now exists, without first submitting to the electors of said city the question whether or not a special tax shall be levied for such purpose. Such question shall be submitted in the manner required in section 25 of chapter XII. of this act for submitting questions to the electors of said city. If two-thirds or more of all the legal votes cast shall be in favor of levying said tax, it shall be lawful for the common council to construct such bridge and to levy and collect such special tax, and to use the same for the purpose for which it was raised.

CHAPTER V

PROCEDURE FOR VIOLATION OF CHARTER AND ORDINANCES.

Section 1. The office of police justice in said said city is hereby abolished, and the records, papers and dockets belonging or pertaining to said office shall be delivered to the judge of the municipal court for Rock county. The judge of said court shall keep in his office said records, papers and dockets, and is hereby authorized and directed, upon request, to issue executions upon any judgment appearing on said dockets and to make transcripts of any judgment record or paper so transferred and certify to the same, in the same manner and with like effect as if such record judgment or paper had been originally made, entered or filed in said municipal court.

Section 2. The city of Janesville may sue for and recover any and all penalties or forfeitures under the charter of said city or any amendment thereto, or the ordinances, by-laws, police or health regulations made in pursuance thereof, in the corporate name of said city of Janesville, any general law of the state to the contrary notwithstanding; and such action shall be commenced by complaint, substantially in the following form:

STATE OF WISCONSIN,
Rock County, City of Janesville. } ss.

——— ———, being duly sworn, complains on oath to ——— ———, that ——— ——— did, on the —— day of ——, 18—, violate the —— section of an ordinance, by-law, or resolution (describing it by its title and briefly setting forth the offense complained of), which said —— is now in force, as this deponent verily believes, and prays that said ——— ——— may be arrested and held to answer to the city of Janesville therefor.

Subscribed and sworn before me, this —— day of ——, 18—.

It shall be sufficient to give the number of the section or sections, and the title of the ordinance, by-law, regulation or resolution, or of the law violated, in such complaint, briefly setting forth the offense complained of. And said complaint may be sworn to before any officer authorized to administer oaths in this state. Upon the filing of such complaint with the judge or justice having jurisdiction, a warrant shall issue thereon, substantially as follows:

STATE OF WISCONSIN,
Rock County, City of Janesville. } ss.

The State of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Janesville, greeting:

Whereas, ——— ——— has this day complained to me, in writing, on oath, that ——— ——— did, on the —— day of ——, 18—, violate the —— section or sections of an ordinance, by-law, regulation or law (describing it by its title and briefly setting forth the offense complained of), which said —— is now in force and effect, as the complainant verily believes. Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said ——— ———, and him forthwith bring before ——— ———, to answer to said city of Janesville, on the complaint aforesaid.

Given under my hand, this —— day of ——, 18—.

The defendent in any such action may be arrested upon service of the warrant or process by which the action is commenced. Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent or for cause, as in other cases provided by law. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize with surety for his appearance, in such sum as the court shall direct; or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of Rock county. The complaint made aforesaid shall be the complaint in the action, and the plea of not guilty shall put in issue all matters of defense in the action.

Section 6. A printed copy of an ordinance, by-law or resolution, passed by the common council, and published in a newspaper, or in pamphlet or book form, shall be prima facie evidence of its due passage and publication, and that the same is in force, and may be received in evidence. After issue joined, and before trial, in all city cases the defendant may demand a jury; and if no demand of a jury be made, it shall be deemed a waiver of a jury trial.

Section 7. Witnesses and jurors shall attend in all city prosecutions, without the payment of fees in advance, upon process of the court duly served, and in default thereof their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged, and thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid.

Section 8. In city prosecutions, the finding of the court or jury shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defandant for the fine, penalty or forfeiture; and where the same is not to exceed a certain sum, and not less than a certain other sum, shall fix the amount of such fine, penalty or forfeiture as he shall deem best within the provisions of such ordinance, by-law or resolution, for the violation of which the person or persons shall have been adjudged guilty, and for the costs of suit. But if not guilty, the costs, as in actions in justice's court, shall be taxed against the city. Execution shall issue forthwith upon the rendition of the judgment, unless the same be stayed or appealed as hereinafter provided, and the fine or penalty imposed by the court may be enforced and collected by levy and sale, on execution, of the property of the defendant, as provided by law in civil actions before a justice of the peace.

Section 9. The execution upon any judgment recovered in any such action may require that in case nothing shall be found from which the amount can be collected, the defendant shall be taken and imprisoned in the jail of Rock county for a term of not exceeding sixty days, unless the judgment be sooner paid, and the term of such imprisonment shall be inserted in the execution and commitment. In case nothing be found from

which the amount can be collected, the defendant shall be imprisoned in the jail of Rock county according to the terms of the execution. Such execution may be in the following form:

State of Wisconsin, Rock County, City of Janesville—ss.

The state of Wisconsin, to the sheriff or any constable in the county of Rock, the city marshal, and to the keeper of the common jail in said county:

Whereas, the city of Janesville, on the —— day of ——, 18—, recovered a judgment before the —— —— of said ——, against —— ——, for the sum of —— dollars, together with —— dollars, cost of suit, for the violation of (here insert the number of section, title of the ordinance, and offense, as set forth in the complaint) These are, therefore, in the name of the state of Wisconsin, to command you to levy distress on the goods and chattels of the said —— ——, (excepting such as the law exempts, and make sale thereof according to the law in such case made and provided, to the amount of said sums, together with your fees, and twenty-five cents for the execution; and the same return to me within thirty days; to be rendered to the said —— ——, for said judgment and costs, and for want of such goods and chattels whereon to levy, to take the body of the said —— —— and him convey and deliver unto keeper of the common jail of said county, who is hereby commanded to receive and keep the said —— —— in in safe custody in said prison for the term of ——, unless the aforesaid sum and all legal expenses be sooner paid and satisfied, or until he be discharged thence by due course of law.

Given under my hand, this —— day of ——, 18—. —— ——.

Section 10 The form of commitment may be substantially the same as that of the execution, leaving out all that relates to levy and sale, and return of the writ.

Section 11. All penalties, forfeitures, fines or claims, due to said city, when paid to the magistrate authorized to receive the same, shall be paid by him to the city treasurer within one week after the receipt thereof by him. Whenever execution shall be issued upon any judgment in favor of the city, the same shall be returned by the officer receiving the same to the judge or justice who issued it, on or before the return day thereof, the judge or justice shall report the fact to the city treasurer, who shall cause an action to be brought in the name of the city against the officer and his sureties for the default.

Section 12. Appeals shall be allowed in all said cases to the circuit court, and taken in the same manner as appeals from justices of the peace. The defendant in all city prosecutions may appeal to the circuit court of Rock county, by filing an affidavit and bond, and complying with the requirements of appeals in civil cases, before justices of the peace; provided, nowever, that such appeal shall be taken and perfected within forty-eight hours from the time judgment is rendered in the suit. Upon any appeal being taken and allowed, the judge or justice shall stay all further proceedings in the case, and the defendant, if in custody, shall be discharged, and the judge or justice shall transmit the papers in the case so appealed, with a transcript of his docket, to the clerk of the circuit court, within the time and in the manner prescribed in cases appealed from justices of the peace.

Section 13. The jail fees and officers' fees for commitment on prosecution in behalf of the city shall be audited and allowed by the common council when the same cannot be collected of the defendant, before his discharge; and said common council may by resolution direct the judge or justice to discharge from the jail any person confined for a judgment due said city: but such discharge shall not operate as a release of the judgment, unless said common council shall so direct in their resolution. Upon filing a certified copy of such resolution, attested by the clerk of the common council, the judge or justice shall order such defendant discharged from custody, and make an entry of such discharge on his docket; an execution may issue or be renewed by endorsement from time to time, before or after the return day thereof, and before or after the commitment of the defendant, until the judgment is satisfied or released, but after the defendant shall have been once committed, no execution shall be issued against the body of the defendant in the same action.

CHAPTER VI.

FINANCE AND TAXATION.

Section 1. The common council shall have power to order:

First. To annually levy and collect taxes not exceeding seven thousand five hundred dollars on the assessed value of the real and personal property in the said city, made taxable by the laws of this state, to defray the current expenses of the city, and such other expenses thereof as are not otherwise especially provided for by law, which taxes shall constitute the general fund of said city.

Second. To annually levy and collect such amount as the board of education shall have determined and certified in its opinion to be necessary or proper to be raised, not exceeding eighteen thousand dollars on all real and personal property in said city, to meet the expenses of repairing and furnishing school houses and supporting and maintaining schools, which shall constitute a part of the school fund.

Third. To annually levy and collect taxes not exceeding two thousand dollars, on all real and personal property in said city, to meet the expenses of repairing and maintaining bridges, which shall constitute the highway, street and bridge fund.

Fourth. To annually levy and collect taxes not exceeding three thousand five hundred dollars, on all real and personal property in said city, for the erection of lamp posts and the lighting of the streets and public grounds and buildings in said city with gas or other light, which shall constitute the gas fund.

Fifth. To annually levy and collect taxes not exceeding seven thousand dollars, on all real and personal property in said city, to meet the current expenses of supporting and maintaining efficient fire engine, hook and ladder and hose companies in said city, which shall constitute the fire department fund.

Sixth. To levy and collect taxes as may be required, on all real and personal property in said city, to pay the interest on the bonded debt of the city and the principal thereof, as it shall become due (for the current year), which shall constitute the bonded debt fund.

Seventh. To annually levy and collect a tax on the real and personal property in each ward, now or hereafter existing in said city, not exceeding five mills on the dollar on the assessed value thereof, to defray the expenses of the construction in said wards respectively, of drains across streets, alleys, lanes highways and public grounds and of streets and walks in front of and across public grounds, and of culverts and sewers in the streets alleys, lanes, highways and public grounds, and keeping the same in repair, and, also, the cleaning and cleansing the streets, alleys, lanes, highways, crosswalks, drains, culverts and sewers, provided, however, that the council may pay from the general fund of said city, when it shall deem it just so to do in whole or in part the cost of constructing drains, sewers, culverts, streets, or walks across or in front of public grounds, and the repairing and cleasing the same; and all money raised for the purposes in this section specified, upon the real or personal property in any ward, shall be kept by the treasurer as a separate fund for such ward, and shall be known as the ward fund of the ward in which raised, and shall be drawn from the treasury only on orders specifying that the same is drawn to meet the expenditure for which the money is raised.

CHAPTER VII.

STREETS AND HIGHWAYS.

Section 1. The common council shall have full control and power over and management of all streets, alleys, lanes, and public grounds in said city, and shall have power to accept by order or resolution, any street, lane, highway or alley in the original plat of the village of Janesville, or any recorded addition thereto, and to establish the grades of all such streets, lanes, highways, alleys or public grounds; and such acceptance shall, to all intents and purposes, make such street, lane, highway or alley a highway; and until the common council shall have accepted any street, highway or alley, as hereinbefore provided, which has not been improved by order of the common council, the city shall not be liable for any damages resulting from the unimproved condition of said streets, lane, highway or alley; and shall have power to improve public squares or grounds, and to lay out, as hereinafter provided in this chapter, streets, alleys, lanes, highways, walks, and to alter, widen, contract, straighten and discontinue the same; provided, that the expense of grading, graveling, planking and paving of said streets, walks, roads and highways shall be chargeable to and payable by the lands through or over which said streets, walks, roads or highways shall pass, in the same manner as is prescribed in this act in case of city lots; provided further, that in any case where the grade of any street or part of street has heretofore been or shall hereafter be duly established, and the owner or owners of any lot or lots fronting thereon have made or shall hereafter make permanent improvements upon his, her or their said lots, conforming to such grade so established, and the grade of such street or part of street shall thereafter be changed by said common council, and worked to conform to such change, and damage to an amount exceeding one hundred dollars shall result therefrom to the owner of any such lot or lots upon which permanent improvements shall have been made, conforming to the grade theretofore established, in every such case such owner, who shall not have signed the recommendation for such change in grade, and for regrading required by section 21 of this chapter shall be entitled to compensation for such actual damages as his said lot or lots may sustain, by reason of such change, beyond the benefits and advantage thereto, derived therefrom; and such damage if any, when ascertained as hereinafter specified, shall be a lien and charge upon the lots and parcels of land fronting on the entire length of such street, and shall be assessed thereon with the other expenses of such re-grading, in the manner specified in subdivision 1 of section 23 of this chapter, and collected therewith, and when collected to be paid to such owner. But no such damage shall be claimed by or awarded to any such owner, unless he shall have notified said council in writing, at its next regular meeting succeeding the one at which said recommendation shall have been presented, that he will claim damage, and shall specify the particular lot or lots upon which he shall claim the same. The damage to each several owner entitled thereto hereunder shall be determined in the first instance by the arbitrament and award in writing of three disinterested freeholders, resident of other wards of said city than the one in which said street is located, who shall be appointed by the mayor, with the concurrence of said council, and who severally shall, before entering upon the discharge of their duty, take an oath, faithfully and fairly to discharge their duty, and a true award make All of said arbitrators shall sit and hear the evidence and allegations of the parties in interest, and to that end are hereby empowered and authorized to administer oaths to witnesses. But an award signed by two of them shall be valid and sufficient. Said arbitrators shall give due notice by publication or otherwise to the parties in interest, of the times and places of their meetings, and shall report the testimony taken by them, together with their award or awards, to the common council; and it shall cause the same to be filed with the clerk of said city; and said award or awards so made and filed shall be final and conclusive, between all parties in interest, unless appealed from as hereinafter specified. Any party in interest may appeal from county, by notice in writing, served upon said city clerk, specifying the particular award appealed from, and signed by himself or his attorney; provided said notice be given within twenty days from the time of filing said award; and provided further, that the person or persons so appealing shall, within said twenty days, make and file with said clerk, an undertaking, with two or more sureties, to be approved by said council, to such person, and conditioned as said council shall direct, by order or ordinance upon the subject. Upon the filing of said bond, its approval and the serving of said notice within the time aforesaid, said clerk shall thereupon transmit said notice, bond, report of testimony and award, to said circuit court, or to the clerk thereof, and said court shall try the same as other actions at law, upon an issue to be formed under the direction of said court. No contract shall be made by said common council for the regrading of any street or part of street, upon which damages shall be claimed until all the damages so claimed shall be determined and finally fixed, and when made, the assessment therefor shall be made and collected as soon as possible under the provisions of this act.

Section 2. The common council shall also have power to lay out and construct bridges, culverts, drains and sewers in the city, with all the necessary wells, grates and other things requisite and proper for the use of such culverts, drains and sewers, or for carrying off the surface matter from the streets and highways; but the common council shall not lay out any street, square, public ground, alley, lane, highway or walk, or alter any such as may already be laid out or used, so as to extend or run across or over the site of any dwelling house at the time actually erected, without consent of the owner of such dwelling house, unless it shall have first purchased the same; provided, however, that such dwelling house shall have been erected in good faith upon such site before the commencement of the proceedings to make such improvement.

Section 3. The common council shall cause all streets, highways, alleys, lanes, side and cross-walks, culverts, drains, sewers, public squares and grounds in said city to be surveyed, described and recorded in a book to be kept by the city clerk for that purpose, and to cause maps thereof to be made and filed with the clerk. Such records and maps shall be prima facie evidence of the facts therein described and portrayed in all actions and places between the city and other persons touching their location.

Section 4. Whenever the common council shall intend to lay out, alter or widen any street, highway, lane, alley, or public square or ground, or discontinue any public square or ground, it shall cause a notice of such intention to be published for eight days in some daily or weekly newspaper printed and published in said city, stating the day upon which it will act thereupon, which day shall be at least eight days subsequently to the first publication of the notice. This section shall not apply to a change in the grade of any street, alley, lane or highway.

Section 5. In case it shall not be necessary to appropriate for the purposes contemplated in section 4 of this chapter, any real estate which shall not belong to the city, or which shall not be given to the city for the purpose, the common council upon the day fixed in the notice may proceed to lay out, alter or widen such street, highway, lane, alley or public square or ground or discontinue any public square or ground mentioned in the notice.

Section 6. Upon petition in writing of all the owners of lots or land on any street or alley in said city, and not otherwise, the common council may discontinue such street or alley, or any part thereof. At least one week before acting on such petition the common council shall cause a notice to be published for three days successively in a newspaper published in said city, stating when the petition will be acted upon and what street or alley or part thereof is proposed to be discontinued or vacated.

Section 7. In case it shall be necessary to appropriate for any street, highway, lane, alley or public square or ground, any real estate not belonging to the city, or which the city may not be permitted by the owner freely to appropriate, the common council, before it shall determine to make such improvement, shall make an order appointing some discreet person or directing some officer of said city to ascertain and report a description of the real estate required to be appropriated, with the names of the owners; what the whole expense of the improvement would amount to; whether any, and if any, what part thereof, ought to be borne by the city; any whether any, and if any, what real estate would be immediately benefited by the improvement requiring the appropriation of such real estate, specifying the same in parcels described with certainty, with the names of the owners if they can be ascertained. It shall cause a notice to be published in some weekly or daily newspaper published in said city for three weeks, specifying the proposed improvement, the estimated expense thereof, and the real estate in said city to be assessed therefor, and shall require all persons interested in the subject matter of such improvement to attend the common council at a time and place in such notice to be specified. At the time and place so stated, the common council shall proceed to hear the allegations of the owners and occupants of the houses, lots or parcels of land required and real estate to be assessed for such improvement so specified as aforesaid, and after hearing the same shall make such further order in respect to such improvement as it shall deem proper.

Section 8. If the common council shall, after hearing the parties interested, as aforesaid, determine to make any of the improvements in this chapter specified, and that the lands of any person will be necessary for the purpose, it shall enter in its minutes a resolution, declaring such determination, and containing a brief description of the lands so deemed necessary, and also of the real estate deemed benefited by such improvement. The common council may purchase the land so deemed necessary, of the owner or owners thereof, upon such terms, and for such compensation as it shall judge reasonable, and thereupon receive a conveyance thereof to the city, and thereupon proceed as provided in this chapter, to cause the price paid for such land, except such portion thereof, if any, as the common council shall have determined ought to be borne by the city, to be assessed upon, and collected out of the real estate benefited thereby, as described in the report of the person appointed by the common council, or officer mentioned in section 7 of this chapter, as nearly as may be, in proportion to the amount of benefit which each shall be deemed to receive from said improvement.

Section 9. In case no agreement for such purchase can be made, the common council shall by resolution declare their purpose to take the same, and therein describe by metes and bounds the location of the proposed improvement, and the land proposed to be taken therefor, defining separately each parcel, and the amount thereof owned by a distinct owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, hour and place when and where it will apply to the county judge, or a justice of the peace, resident in said city, for a jury to condemn and appraise the same. The common council shall immediately cause such resolution to be published in some daily or weekly newspaper, published in said city.

Section 10. The common council shall thereupon cause to be made by the clerk a notice of the adoption of such resolution, embracing a copy thereof and notifying all parties interested, that the city will, at the time and place named, apply to the judge or justice named for the appointment of a jury to condemn and appraise such land. A copy of such notice shall be served by the marshal or any constable on the owner of each such parcel of land to be taken, if known and resident within the county; such service to be made in the manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be conclusive evidence of the facts stated therein. If the notice cannot be so given as to all the parcels, then the same shall be also published once in each week for three successive weeks in a newspaper published in said city, and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served and the first publication made three weeks before the time fixed therein for such application If any person so served with notice be a minor or of unsound mind, the judge or justice before proceeding shall, on the day fixed for hearing such application, appoint for him a guardian for the purposes of such proceeding, who shall give security to the satisfaction of the magistrate, and act for such ward.

Section 11. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of service of the notice, as provided in the last section, shall be filed with the judge or justice, who shall thereupon make a list of twenty-four competent jurors, not interested, but residents of the city, shall not be disqualified. He shall hear and decide any challenges for cause or favor, made to any one, and if sustained shall replace his name, with an unobjectionable juror, until the list shall be perfected. Thereupon, under direction of such magistrate, each party, the common council by its representatives, on the one side, and the owners of land or their agents present, or if none be present, or they disagree, a disinterested person appointed by the judge or justice, on the other, shall challenge six names, one at a time, alternately, the common council beginning. To the twelve jurors remaining, such judge or justice shall issue a precept, requiring them at an hour on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a jury to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the marshal or any constable, at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode in the presence of a member of his family.

Section 12. The jurors summoned shall appear at the time and place named, and if any be excused by the judge or justice, or fail to attend, he shall direct other disinterested persons to be forthwith summoned in their stead, until twelve be obtained The magistrate shall then administer to them an oath that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

Section 13. Under the direction of such magistrate, the jury shall view the lands to be taken and shall then sit before him to hear such competent evidence as shall be produced by any party, and for such purpose, such magistrate shall possess the same powers as a court in session with a jury, and it there be necessity, may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict, in writing, signed by them, in which they shall find whether it be necessary to take such lands or any part thereof for such purposes, describing such as they find necessary to be taken; and, if any be found necessary to be taken, then a verdict of appraisement of damages, specifying therein the damages of each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each by reason of the taking thereof, in estimating which they shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement, and a majority of such jury may render such verdict or appraisement of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected with the assent of the jury, and they shall be thereupon discharged, and their verdict filed with the magistrate. In case the jury shall fail to find a verdict another jury shall be selected, summoned sworn, and proceed in the same manner. The said jurors shall be entitled to the sum of one dollar and fifty cents each as their compensation, for each day actually and necessarily spent by them as jurors.

Section 14. Within ten days after such verdict any land owner whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict to the circuit court, and said city may likewise appeal from the award of damages to any owner, by filing with such magistrate a notice of appeal, specifying whether the appeal is from the whole award to him or a part, and, if a part, what part, and therewith an undertaking with two sufficient sureties, to be approved by the magistrate, to pay all costs that may be awarded against such appellant on the appeal, and paying the magistrate for his return thereof. Any party not so appealing shall be forever concluded by such verdict or appraisement. Upon an appeal being taken the magistrate shall transmit to the clerk of the circuit court, within ten days, the notice of appeal and undertaking, and thereto annex a copy of all the papers and proceedings before him, with his certificate thereof. He shall, after the time for appealing has expired, file with the city clerk all the original papers, including the verdict, with his certificate thereof, stating in such certificate whether or not any appeal has been taken from such verdict.

Section 15. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to a change of place of trial and appeal to the supreme court. The appeal shall be tried by a jury, unless waived, and the costs shall be awarded against the appellant, if a more favorable verdict be not obtained; otherwise, against the respondent. Upon entry of judgment the clerk of the circuit court shall transmit a certified copy thereof to the city clerk. The costs of said proceeding shall be paid by the city, except when it recovers costs in the circuit court.

Section 16. Within thirty days after the rendition of such verdict, or after the final determination of any appeal, if any shall be taken as herein provided, the common council shall cause an order to be entered in its proceedings authorizing and directing the appropriation of the said real estate and the making of said improvements. The common council shall thereupon appoint three respectable freeholders of said city, not interested in any of the real estate to be taken or assessed therefor, nor of kin to any person or persons interested therein, who shall proceed to apportion and assess the whole amount of such damages and value so reported by the jury, together with all the costs and expenses of such improvements (except such portion thereof, if any, as the common council shall have determined ought to be borne by the city), upon the real estate benefited thereby, as described in the report of the person appointed by the common council, or officer mentioned in section 7 of this chapter, as nearly as may be in proportion to the amount of benefit which each shall be deemed to receive from the said improvement The said freeholders shall be sworn by some person competent to administer oaths, faithfully and impartially to discharge their duties according to the best of their ability. The said freeholders shall examine the said lands deemed necessary to be taken for such improvement. and the lands and real estate deemed to be benefited thereby, and may hear the statements of the parties interested, and shall make their assessment. The said freeholders shall, as speedily as may be, make their report to the common council in the form of an assessment list, in which they shall specify and set down in separate columns an accurate description of each parcel of real estate assessed, the name of the owner or occupant, if known, the amount assessed upon each parcel, the amount of compensation, if any, to which each owner or occupant is entitled by the verdict of the jury, and the amount to be collected of each. The assessment list shall be made to resemble in form, as nearly as practicable, the annual assessment roll of said city, and be provided with a column in which payments can be entered by the treasurer. Two copies thereof shall be made and signed by the mayor or presiding officer of the common council and clerk, one of which shall be filed with the clerk, and the clerk shall deliver the other to the treasurer, together with the warrant of the common council thereto annexed, signed by the mayor and clerk, and with the corporate seal of the city thereto affixed, for the collection of said assessments, which warrant shall be substantially the same as annexed to the annual tax roll of said city for collection thereof.

Section 17. The said assessment filed with the clerk, and the one delivered to the treasurer, shall, in all courts and places, be *prima facie* evidence of the regularity of all prior proceedings and of the assessment therein specified; and all sums of money assessed therein or in any respect to any real estate, shall be liens thereon from the time the assessment list is filed with the clerk

Section 18. Upon receiving the said assessment list, the treasurer shall cause a copy thereof to be published in some daily or weekly newspaper in said city, with a notice similar to the one on receiving the annual tax roll, and the treasurer shall proceed to collect said assessment in the same manner as in this act provided for the collection of annual city taxes, and all the provisions of this act relating to the collection of annual city taxes so far as the same can be applicable, shall govern the collection of assessments for said local improvements.

Section 19. In case it shall appear by the report mentioned in section 7 of this chapter, that any portion of the expense of such improvements ought to be borne by the city, the same shall be a charge upon the city treasury, and shall be paid from the highway, street and bridge fund.

Section 20 No real estate shall be appropriated by said city under any of the provisions of this chapter, for any street, highway, lane, alley or public square or ground, without the leave of the owner, until the recompense reported by the jury to be proper therefor be paid or tendered to such owner or deposited to his or her use or credit in one of the banks in said city, to be designated by the common council of said city for that purpose. Upon such payment, tender or deposit, the same may be appropriated for such purpose. But the foregoing provisions are not intended and shall not be construed as prohibiting said city, by its officers, agents and employes, or the jury aforesaid, from entering upon such real estate and making all necessary examinations and surveys thereof for the purposes aforesaid.

Section 21. The common council shall have power to cause any street, highway, lane or alley, or any part of any street, highway, lane or alley in said city, to be graded, worked, graveled, macadamized, paved or repaved, planked or replanked and repaired, and to cause any sidewalks, crosswalks, drains, sewers or culverts to be made therein, as it shall deem necessary; and the same shall be repaired or relaid as may be ordered by said common council: provided that no street, highway, lane or all, or any part thereof, shall be graded, macadamized, paved or repaved, planked or replanked, without a recommendation in writing, signed by a majority of the resident owners of property which is bounded by such street, highway, lane or alley, in which said work is proposed to be done or improvement made, except as hereinafter provided, which recommendation shall be entered at length by the clerk upon the record of the proceedings of the common council.

Section 22. Whenever the common council shall determine to cause any street, highway, lane or alley, or any part of any street, highway, lane or alley in said city to be paved or repaved, it may determine the kind of pavement that shall be used in such paving or repaving, and in case it shall determine to use any pavement that has been or may hereafter be patented, it shall have the power and is hereby authorized to purchase and procure of the person or persons owning the same, the right to use and lay such pavement upon such street, highway, lane or alley, or part thereof, and the sum or sums paid therefor shall be added to the expenses of such paving or repaving, and be apportioned therewith and charged upon the property properly chargeable with the expense of such paving or repaving, and be collected in the manner provided in the next section.

Section 23 The common council, prior to ordering by resolution, ordinance or otherwise, any street, highway, lane or alley, or any part thereof, to be graded, macadamized, paved or repaved, planked or replanked, shall cause a plain and accurate specification of the proposed work to be prepared and filed in the office of the clerk of said city. If after the filing and examination of such specifications, said council shall be of opinion that such proposed work should be done, it shall order the same to be done, and shall fix the time within which the same shall be completed. The said council shall then cause to be published in some daily or weekly newspaper published in said city, such specifications, with a notice signed by the clerk, giving notice that on a certain day fixed in said notice, at least eight days after the first publication thereof, the common council will proceed to act in relation to the work mentioned in such specifications; and said notice shall specify that sealed proposals for the performance of said work will be received by the city clerk up to the time fixed in said notice for the opening of such proposals, and the time fixed by said council within which said work shall be completed. Upon the day mentioned in the above required notice, all such proposals shall be opened in the presence of the common council. when said common council shall determine which is the most favorable of such proposals, and may by a vote of the majority of its members accept such proposal, and authorize and direct the construction of the proposed work, and direct the expense thereof to be assessed in the manner hereinafter specified: provided, however, that the common council are hereby authorized to reject all of such proposals, as in their opinion they shall deem unreasonable. The common council shall require the person or persons whose proposal or proposals may be accepted to execute a bond, with one or more sureties, to be approved by said common council, and in such penalty as said council shall fix, conditioned that the person or persons whose proposal has been accepted shall perform the work mentioned in such proposal within the time fixed by said council and according to the published plan and specifications, subject to the supervision of the aldermen of the ward in which such work is to be done, or of the street commissioner, and to the approval of the common council, with such other conditions as said council may prescribe; and if said work shall not be completed within the time fixed by said council for the completion thereof, said council shall have the power to declare the contract for such work at an end, and said bond forfeited, and to proceed by action, in said name of the city, against the sureties therein for the amount of such penalty.

First. In case the work shall be the grading, graveling or leveling any street, highway, lane or alley, or any part thereof, the common council shall appoint some competent person to ascertain the front length of each lot and parcel of land on both sides thereof, throughout its whole extent, with a correct description thereof, and the name of the owner, if known, and also the aggregate front length of all lots and parcels of land fronting on such street. The said common council shall then determine the expense of the whole work, including the surveying, specifications, advertising, ascertaining the value of existing improvements, of the same or a similar kind and character, if any, and preparing the assessment lists and cause the average expense upon each foot front of lots and parcels of land on both sides of such street, highway, lane or alley throughout its whole extent, excluding cross streets from the computation, to be ascertained; and each lot or parcel of land on both sides of such street, highway, lane or alley throughout its whole extent shall be assessed with its proportion of the expense, to be ascertained by multiplying its number of feet front by the average expense per foot; provided, that when the owner or owners of any lot or lots, parcels of land fronting any street, highway, lane or alley upon which said improvement is proposed to be made have already made any improvement on said street, highway, lane or alley in front of his or her said lot or lots, parcel or parcels of land, of the same or of a similar kind and character as the proposed improvement at the time when the same was made, and shall file with the city clerk written notice thereof before the assessment shall be made, stating when, where and by what owner the work was done and the value thereof; the common council shall ascertain the value of such improvement, and for that purpose shall have power to subpœna witnesses, administer oaths and take proofs, in such manner as it may direct, and the value of such improvement, when so ascertained, shall be added to the expense of the proposed improvement, and assessed therewith upon all the lots fronting upon such highway, lane or alley in the manner hereinafter specified; and when so assessed the value of such improvement so made by such ower or owners as aforesaid, shall be credited on the assessment of his or her said lot or lots, parcel or parcels of land, but the value of such improvement shall be so assessed as aforesaid but once; and in case the value of such improvement shall exceed the amount assessed upon such lot or lots, parcel of parcels of land, such excess shall be paid to such owner or owners who shall have made such improvements as aforesaid; provided, that any such improvement hereafter so made by such owner or owners, shall not be assessed, credited or paid for as hereinbefore provided, except the same shall have been made pursuant to a petition or leave to do the same, by said owner or owners, signed by at least two-thirds of the resident owners upon such street, highway or alley.

Second. In case the work shall be the paving, macadamizing, planking or curbing any street, highway, lane or alley, or any part thereof, the common council shall appoint some competent person to ascertain the aggregate front length of lots and parcels of land on both sides thereof, limited to the proposed improvement and bounded thereon, and the front length of each lot and parcel of land bounded on such improvement, with a correct description thereof, and the name of the owner, if known. The said council shall then determine the expense of the whole work, including the surveying, if any, the specifications, advertising and preparing assessment lists, and cause the average expense upon such foot front of lots and parcels of land on both sides of such street, highway, lane or alley within the limits of such improvement and bounded thereon, excluding cross streets from the computation to be ascertained, and each lot or parcel of land shall be assessed with its proportion of the expense, to be ascertained by multiplying its number of feet front by the average expense per foot; provided, that whenever the owner or owners of any lot or lots, parcel or parcels of land fronting any street, highway, lane or alley where such improvement is proposed to be made, and within the limits of said proposed improvements, and bounded thereon, have already made any improvement on such street, highway, lane or alley in front of his or her lot or lots, parcel or parcels of land within the limits of said proposed improvements, and bounded thereon, of the same or of similar kind and character as the proposed improvement, said lot or lots parcel or parcels of land so improved by such owner or owners shall be excluded from the computation and assessments; and all expense of such improvement to be made, shall in such case be assessed upon the other lot or lots, parcel or parcels of land so fronting on the street, highway, lane or alley where such improvement is proposed to be made, and within the limits and bounded on said improvement, as hereinbefore specified.

Third. In case the work shall be the constructing of any crosswalk or drain across any street, lane or highway, or public ground, or of any culvert or any sewer in any street, alley, lane, highway or public ground, or the keeping in repair of crosswalks, drains, sewers, culverts, streets, highways, lanes or alleys, after the same have been constructed, graded, graveled, leveled, macadamized, planked or paved, as in this chapter provided, or the cleaning and cleansing of the same, the expense thereof shall be paid out of the moneys mentioned in subdivision 7 of chapter 6 of this act, belonging to the ward in which said work shall be done.

Fourth. In case the work shall be the construction, repairing, relaying or replanking any sidewalk, each lot or parcel of land fronting thereon shall be assessed with its just proportion of the expense of such work. The work specified in this subdivision may be ordered by the common council, on the written application of the street commissioner or of either of the aldermen of the ward in which the proposed work is situated, at any regular meeting of said council, after filing with the city clerk a specification of the work proposed. After said work shall have been ordered by said common council the aldermen shall give notice to the resident owner or owners of the several lots or parcels of land fronting thereon, requiring such owner or owners to perform the work proposed in front of his or their respective lots or parcels of land, according to said specifications, within twenty days from the service of such notice, and in default thereof, that said work will be done by contract without publication; and and in case such owner or owners shall neglect to do said work within said twenty days, said aldermen shall proceed to have such work done by contract.

Fifth. In case the work shall be the paving or repairing any surface drain or gutter in and along the side of any street, alley, lane or highway, the common council may cause the same to be done without the written recommendation of a majority of the resident property owners, and shall proceed therein as provided by the fourth subdivision of this section, relating to sidewalks.

Section 24. The notice required by section 23 of this chapter shall be first published at least eight days before the time therein specified for opening and acting upon the proposals to be received under it; and in case the common council do not meet on the day mentioned in such notice, the proposals received by the clerk pursuant thereto shall be opened at the next subsequent meeting of the common council. After opening proposals received pursuant to notice published according to said section, and determining whose is the most favorable, the common council may postpone further action upon the construction of the proposed work and acceptance of the proposals, from time to time, not to exceed one month from the day specified in the notice for opening the proposals.

Section 25. Whenever all the proposals received pursuant to such notice, are deemed by the common council to be unreasonable, they may make a contract for the work to be done, according to the published specifications, by such person or persons as they may think proper, at a specified price, which price shall not exceed the lowest sum proposed; and in case the work be of the class mentioned in the first, second, fourth and fifth sub divisons of section 23 of this chapter, it shall assess the expense thereof, including surveying and advertising, in the manner provided in the said subdivision relating thereto; and in case the work be of the class mentioned in the second subdivision of said section, the expense shall be paid out of the moneys mentioned in subdivision 7 of chapter 6 of this act, belonging to the ward in which said work shall be done.

Section 26. Any person taking contracts with the city, and who agrees to be paid from special assessments, shall have no claim or lien upon the city in any court, except from the collection of special assessments made for the work contracted for; and no work to be paid for by a special assessment shall be let except to a contractor or contractors who will so agree.

Section 27. No plan of any crosswalk, sidewalk, paving ar planking need be published under said section 23 of this chapter, and when a plan of any work is required, it shall be sufficient publication thereof to file the same with the clerk, and refer thereto intelligibly in the published notice.

Section 28. When practicable, several separate works may by notice be ordered and assessments made at the same time, and all the expenses of advertising and assessment be considered as one work. When such expenses are paid in common by more than one work, each work shall be assessed with its just proportion thereof.

Section 29 Whenever it shall appear to the common council, by affidavit or petition duly verified, that any street, highway, lane or alley, or any part thereof, in said city, should be graded, macadamized, paved, repaved, planked or replanked, and that a majority of the resident owners of property bounded by such street, highway, lane or alley refuse to sign the recommendation mentioned in section 23 of this chapter, the common council shall have power to appoint a committee consisting of one alderman from each ward of said city, to make an examination of such street, highway, lane or alley mentioned in such petition, and to report to the common council the condition of such street, highway, lane or alley, and whether in their opinion the same should be graded, macadamized, paved or repaved, planked or replanked; and upon receiving the report of such committee, the said common council shall have the power to order such street, highway, lane or alley to be graded, macadamized, paved or repaved, planked or replanked, in the same manner and with the same effect as though a recommendation signed as required by said section 23, had been presented to said council.

Section 30. The common council may order the repair, cleaning and cleansing of any street, alley, lane, highway, sidewalk, crosswalk, drain, culvert or sewer, when it shall be necessary; and when in its opinion its repairs cannot be judiciously let upon contract, when the same shall be completed, cause the expense thereof to be paid out of the moneys mentioned in subdivision 7 of chapter 6 of this act, belonging to the ward in which such repairing, cleaning or cleansing shall be done.

Section 31. Upon the assessment being made as provided in this chapter, an assessment list shall be made, to resemble as nearly as practicable the annual tax roll in its form, and be provided with a column in which payments can be entered by the treasurer. Two copies thereof shall be made by the clerk, and signed by the mayor or presiding officer of the common council and the clerk, one of which copies shall be filed with the clerk; to the other the common council shall annex its warrant for the collection of such assessment, and the clerk shall forthwith deliver the same with the warrant so annxed to the treasurer for collection. Said warrant shall be signed by the mayor and clerk, and shall have the seal of the city affixed thereto, and shall be substantially the same as the warrant annexed to the annual tax roll for collection thereof.

Section 32. The said assessment filed with the clerk and the one delivered to the treasurer, shall in all courts and places be *prima facie* evidence of the regularity of all prior proceedings and of the assessments therein specified; and all sums of money assessed, and all costs, charges and interest thereon, shall be liens on such real estate, and have and be considered both in law and equity to have priority over all other liens, except prior liens for taxes on the real estate so assessed.

Section 33. Upon receiving the said assessment list, the treasurer shall take the like proceedings, as far as practicable, in the collection thereof, as in the collection of the annual city and ward taxes of said city, as provided in this act.

Section 34 All moneys received by the treasurer upon the assessment list made pursuant to the provisions of this chapter, shall be kept by him distinct from all other moneys, and shall be drawn from the treasury only by orders expressly directing their application to the payment of the expenses for which such assessment was made.

Section 35. In case the common council shall at any time ascertain that the expense of any public improvement cannot be defrayed by the moneys raised upon the assessment list provided therefor, it may cause the deficiency to be assessed upon the real estate described therein, in sums proportioned to the former assessment: and all the provisions of this chapter relative to the assessment lists therein mentioned, to the assessments therein, and the collection and payment of the moneys thereon, shall be applicable to the second assessment list in this section provided.

Section 36. The common council shall have power to change and re-establish the grade of any and all streets, highways, lanes, alleys and public grounds in said city, whenever it shall by said common council be deemed necessary. And shall also have power to re-grade, re-gravel, re-macadamize, re-pave, curb and re-curb any street, highway, lane or alley, and to assess the expense of such re-grading, re-graveling, re-macadamizing, re-paving or re-curbing, as the case may be upon such property as would be properly chargeable therewith in case it were the expense of the first or original grading, graveling, macadamizing, paving or curbing such street, highway, lane or alley, which assessment shall be collected at the time and in like manner as an assessment for grading, graveling, macadamizing, paving or re-paving, planking or re-planking, or curbing, as the case may be, is directed to be collected by this act: provided, that no street, highway, lane or alley, or any part thereof, shall be re graded, re paved or re-macadamized without a recommendation in writing, signed by a majority of the resident owners of the property which is chargeable with the expense of such proposed improvements, except as provided in section twenty-nine of this chapter, which recommendation shall be entered at length by the clerk upon the record of the proceedings of the common council.

Section 37. When any owner of such real estate shall be known to be an infant under the age of twenty-one years, any officer authorized by law to appoint guardians of infants, may on application of the infant or of the common council, appoint a guardian for such infant, taking from him adequate security for the faithful performance of his duties as such; and all notices required to be served upon the infant shall be served upon such guardian, who shall see to the protection of the rights of such infant.

CHAPTER VIII.

TAXES AND ASSESSMENTS.

Section 1. The common council shall, on or before the first day of May in each year, appoint two assessors, whose duty it shall be to assess the property in said city according to law. One of said assessors shall reside on the east side of the river in said city, and the other on the west side of the river in said city. Such assessors shall, on or before the first Monday in July next ensuing their appointment, make out and deliver to the city clerk of said city a copy of the return required by law to be made by them and returned to the clerk of the board of supervisors. They shall each receive as compensation for their service two dollars and fifty cents per day, which shall be in full for making such assessment and taking the statistics required by law. The mayor, clerk and assessors of said city shall constitute a board of review for said city, and such board shall have the powers and perform the duties prescribed in chapter 48 of the revised statutes of 1878. The assessor shall, on or before the second Monday in July, annually, deliver the assessment roll as completed according to law, and all the sworn statements and valuations of personal property to the city clerk.

Section 2. The city clerk at the first meeting of the common council after the receipt of the assessment roll by him, whether the same shall be a regular or special meeting, shall lay the same before the common council for its consideration, and said council are hereby authorized, and it is hereby declared to be their duty to examine said assessment roll; and if it shall be defective in form, or if the certificate of the assessors shall not be in due form, or there shall intervene any irregularity or error, in making or certifying said assessment roll, they shall cause it to be corrected, amended and rectified by the assessors. The common council may also make such rules and give such direction in relation to revising, altering or adding to the rolls as they may deem proper and expedient.

Section 3. After the assessment roll for any one year shall have been examined, amended and corrected, as provided in the next preceding section, the clerk shall endorse thereon a certificate, signed by him, that the same has been examined and approved by the common council, stating the time of such approval. Thereupon the common council shall levy such sum or sums of money as may be sufficient for the several purposes for which taxes are in this act authorized to be levied, but not exceeding the authorized percentage or sum, particularly specifying the purpose for which the same are levied, and if not for general city purposes, the ward upon which the same are levied; and all taxes, whether for general, city or ward purpose, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, in preference to any other lien, except prior taxes and assessments, until the same shall be paid, together with all legal charges thereon, and on all personal property of any person or body politic, assessed for the taxes levied thereon, from the day of the date of the warrant for the collection thereof, until such taxes shall be paid, and no sale or transfer of such real or personal estate shall affect such lien.

Section 4. On or before the third Monday of August in each year, and as soon as the taxes shall be levied by the common council in any year, the city clerk shall from the assessment roll when completed and corrected, make out a tax roll and shall apportion and enter in said tax roll the taxes so levied, setting opposite to each parcel, lot or tract of land therein mentioned, and opposite to the name of each person and body politic therein contained under proper columns each, the just and several proportion of the amount or sum of all taxes levied by the common council in such year. When the city clerk shall have completed the said tax roll, and apportioned the taxes as provided by law, the common council shall make their warrant and annex it to such tax roll. Said warrant shall be directed to the city treasurer, and shall be in such form as shall be a substantial compliance with this act, commanding him to collect from each of the persons and body politic named in the annexed tax roll and of the owners of the real estate described therein, each therein their several proportion as therein set down, of the sum total of taxes levied or assessments set down in said roll opposite to their respective names, and to the several lots, pieces and parcels of land therein mentioned, in the time and manner as prescribed in this act. Said warrant shall be signed by the mayor and city clerk, and shall have the seal of the city affixed thereto. Said tax roll with the warrant annexed, shall then forthwith be delivered by the city clerk to the city treasurer for collection. The city clerk shall file the original assessment roll in his office, and shall note thereon the time of delivering the tax roll to the treasurer for collection.

Section 5. Upon the receipt of said tax roll and warrant by the treasurer, it shall be his duty to cause a notice to be published in some daily or weekly newspaper published in said city, that such tax roll and warrant is in his hands for collection, briefly describing the nature thereof, and requesting all persons forthwith to make payment thereof at his office, or that the same will be collected at the cost and expense of the persons liable to the payment of such taxes or assessment; said notice to be published for the term of twenty days.

Section 6. On the expiration of the twenty days mentioned in the preceding section, in case any person or body politic shall have neglected or refused to pay the taxes imposed on him or it, the city treasurer shall levy the same by distress and sale of the goods and chattels of such person or body politic wherever the same may be found in the city of Janesville, in the manner specified in chapter 49 of the revised statutes of 1878; and if any taxes on personal property shall not be paid or collected in consequence of the neglect or delay of the said treasurer, the common council may, by action, recover the amount thereof from the said treasurer and his sureties; and if, from any cause, the taxes and assessments charged in such tax roll to which such tax warrant is annexed, upon any lands or lots described therein, are not collected on or before the first Monday in October ensuing the date of said warrant, it shall be the duty of said treasurer to prepare and make a report thereof to the circuit court in and for the county of Rock, and file said report with the clerk of said court, and on such report make or cause an application to be made at the next term of said court ensuing the making and filing of said report, for judgment against the lands, lots and parcels of land for the amount of the taxes, assessments, interest cost and charges respectively due thereon; and he shall give public notice of such intended application at least ten days before the first day of the said term of said court, briefly specifying the nature of the taxes and assessments for the collection of which the application is to be made, and requesting all persons interested therein to attend at such term of said court, which notice shall be published in some daily or weekly newspaper published in said city of Janesville; and the notice so published shall be deemed and taken to be sufficient and legal notice, both of the aforesaid intended application to said court for judgment, and a demand and refusal to pay the said taxes assessments; provided, that if the taxes on any state, school or university lands in said city held upon contract, or upon any lands in said city mortgaged to the state, are not collected or paid on or before the said first Monday in October, the treasurer of said city shall immediately make and forward to the state treasurer a certified list of such lands, with the amount of tax due and unpaid on each description thereof. The state treasurer shall charge such return taxes against the lands upon which the same were assessed, and if the said taxes shall not be paid before the first day of June next succeeding, he shall add thereto twenty-five per cent. penalty; but if such tax shall be paid before the first day of June he shall add thereto twelve per cent. penalty, which penalty shall be collected with other charges against said lands, and when collected, such tax and penalty shall be returned by said state treasurer to the treasurer of said city.

Section 7 The treasurer shall obtain a copy of the said advertisement, together with affidavit by the printer or publisher of the newspaper in which the same was published, of the due publication thereof, and shall file the same with the said clerk of the said circuit court at said term thereof, which affidavit shall be attached by the clerk to the treasurer's report on file in his office.

Section 8. The clerk of said court, upon the filing of such report and affidavit of publication by the treasurer, shall record the same in a book kept for that purpose, in which shall be entered all judgments, orders and other proceedings of said court in relation thereto, and the same shall be preserved as other records of his office; and the said clerk shall place the said report and the affidavit attached, at the head of the issue calendar for said term, in the following form, as nearly as may be, to-wit: "City of Janesville against John Doe and others; suit for taxes." Or if it be an assessment for some specific improvement, shall also enter said report, returned by the treasurer, in similar forms, as nearly as may be, or as follows; "City of Janesville against John Doe and others; suit for assessment on assessment list and warrant for paving —— street," or, "planking —— street," or, "building sidewalk on —— street," or "the opening —— street," or such other title as will sufficiently indicate the nature of the improvement for which the charge or assessment is due, entering a separate suit on each assessment roll and warrant upon which such report or reports are made.

Section 9. It shall be the duty of the court calling the calendar of said term, if any defense be offered by any of the owners of said property, or any person having a claim or interest therein, to hear and determine the same in a summary way, without pleadings; and if no defense be made, the said court shall pronounce judgment against the said several lots, lands, pieces or parcels of land, as described in said treasurer's report, and shall thereupon order and direct the said lots, lands, pieces or parcels of land to be sold for the amount of the taxes and assessments, and interest at the rate of twelve per cent. per annum. computed from the date of the warrant, for the collection thereof, and costs and charges so levied, assessed or charged upon them, as provided in this act, or under any section or provision thereof; provided, that in all cases where a defense is interposed, the trial of an issue or issues therein shall have priority over all other cases in said court, and shall be disposed of with as little delay as possible, consistently with the demands of public justice, at said term; but should justice require that for any cause the proceedings as to one or more should be delayed for more than ten days, judgment shall then be rendered as to the other owners and lands, and process shall issue for the sale thereof, the same as in other cases.

Section 10. It shall be the duty of the clerk of said court, within twenty days after such order is granted, as in the next preceding section provided, to make out, under the seal of said court, a copy of the treasurer's report in such case, together with the order of the court thereon, which shall constitute the process on which all lots, parts of lots, land, pieces or parcels of land, shall be sold under and by virtue of the judgment and order of said court, and the provisions of this act; and the said treasurer is hereby expressly authorized and empowered in like manner as sheriffs may do, acting under process of execution from any court of record of this state, under the laws thereof, to make sale of such lots, parts of lots, lands, pieces or parcels of land, upon previous notice of such sale, to be published in some daily or weekly newspaper published in said city, the first publication of said notice to be at least twenty days prior to such sale.

Section 11. The said notice of sale so to be published in each case of a judgment upon any city or ward assessment list or tax roll and warrant aforesaid, and report as aforesaid shall contain a list of the delinquent land, pieces or parcel of land, lots and parts of lots to be sold, the names of the owners, if known, the amount of taxes, interest, cost and charges, or the amount of the assessment with interest, cost and charges as the case may be, due respectively thereon, and the account upon which the same is due, the court which pronounced the judgment and the time when, and that said lands, pieces or parcels of land, lots and parts of lots will be exposed to public sale at a time and place in said city, to be named in said notice of sale by said treasurer. The proceedings may be stopped at any time upon payment of said taxes or assessments, interest, cost and charges to said treasury.

Section 12. It shall be sufficient to describe lands in all proceedings relative to assessing, advertising or selling the same for taxes or assessments under any provision of this act, or any section thereof, by initial letters, abbreviations and figures to designate the township, range, section or parts of section, and the number of blocks and lots, and also the year, amounts of such taxes or assessments.

Section 13. The sale shall be conducted in the same manner as now provided by the laws of this state for the sale of lands for state, county and town taxes by county treasurers, except as otherwise provided in this act; and the treasurer shall give to each purchaser, or the payment of his bids, and if the same be struck off to the city, then to the city, a certificate in writing, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of the tax or assessment, with the interest, cost and charges for which the same was sold, the date of the sale, and the time when the right to redeem will expire, which certificate will be assignable. The treasurer shall also immediately after the close of any sale of lands for taxes or assessments make and deliver to the city clerk a statement containing a particular description of each lot, part of lot, tract and parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner, if known; and the said treasurer and clerk shall each record such statement in a book to be kept by each of them for that purpose, in their respective offices.

Section 14. The assignee of any tax certificate of premises for taxes or assessments, by virtue of this act, shall be entitled to receive a deed of such premises, in his own name, and with the same effect as though he had been the original purchaser.

Section 15. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land of the amount of taxes or assessments, interest, costs and charges thereon, the same shall be struck off to the city, and thereupon the city shall receive in its corporate name certificates of sale of such land and such goods and chattels, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this act, the treasurer shall have the power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the treasurer is authorized to sell the certificates issued therefor, for the amount for which sold and interest, and to indorse and transfer such certificate to the purchaser.

Section 16. The owner or occupant of any land sold for taxes, or any other person, may at any time within three years from the date of the certificate of sale, redeem the same, or any part thereof or interest therein, by paying to the treasurer of the city, for the use of the purchaser, his heirs and assigns, the amount for which such land was sold, and all subsequent charges thereon authorized by law, or such proportion thereof as part or interest redeemed shall amount to, with interest on the amount of purchase money, at the rate of twenty-five per cent. per annum, from the date of such certificate; but whenever any land sold for taxes shall be redeemed within six months after the sale thereof, interest as aforesaid shall be paid for six months: provided, however, that in all cases any such person may in like manner redeem any such lands, or any part thereof or interest therein, at any time before the tax deed executed upon such sale is recorded, and when so redeemed such deed shall be void as to the lands or interest so redeemed.

Section 17. The lands of minors, or any interest they may have in lands sold for taxes, may be redeemed at any time before such minor becomes of age, and during one year thereafter; and the lands of idiots, married women and insane persons, so sold, or any interest they may have in the same, may be redeemed at any time within five years after such sale; and such redemption shall be made in the same manner as provided in the last preceding section.

Section 18. If any land sold for taxes shall not be redeemed as aforesaid, the city clerk shall, after the expiration of the time prescribed by law for the redemption thereof, upon notice required by law, and on the presentation to him of the treasurer's certificate of sale, execute in the name of the city, as such clerk, under his hand and the seal of the city, to the purchaser, his heirs or assigns, a deed of the land so sold and unredeemed as aforesaid, and shall acknowledge the same. An abstract of all deeds so made and delivered shall be entered by the clerk in the book where tax sales are recorded. A fee of one dollar may be charged by the clerk for every deed so issued, which deed shall vest in the grantee an absolute estate in fee simple in such land, subject, however, to all unpaid taxes and charges which are a lien thereon; and such deed duly witnessed and acknowledged shall be prima facie evidence in all controversies and action, in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed, of the following facts:

1. That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been assessed in the time and manner required by law.
2. That the taxes or assessments were not paid at any time before the sale.
3. That the land conveyed had not been redeemed from the sale at the date of deed.

Section 19. And such deed shall be conclusive evidence of the following facts:

1. That the land or lot was advertised for sale in the manner and for the length of time required by law.
2. That the land was sold for taxes or assessments as stated in the deed.
3. That the grantee in the deed was the purchaser.
4. That the sale was conducted in the manner required by law; and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation or assessment at the date of the assessment of said tax or making said assessment; that the taxes or assessment had been paid; that the land had never been assessed for taxation or assessment, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this state; but no person shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, and that all the taxes and assessments due upon the lands have been paid by such person or persons under whom he, she or they claim title as aforesaid.

Section 20. All sales of property for the non payment of taxes and assessments for any improvements of what kind soever, except as provided in section twenty-five of this chapter, shall be held at the same time with the general sale of property for the non payment of city taxes in each year, unless, in particular cases, said sale is stayed by injunction or process of law, the intent hereof being, that there shall be but one general collection by sale of all taxes and assessments whatsoever, in each and every year, which sale shall take place in the manner hereinbefore provided, and at the same time in each year.

Section 21. In all cases where taxes or assessments are not paid on or before the day of the filing of the treasurer's report for judgment of the court, as hereinbefore provided, five per cent. shall be collected as additional costs, and be added to and collected with the other taxes or assessments, as the case may be, and expenses authorized to be collected on the property assessed; and for this purpose the treasurer shall add to his said report, in a separate column, the amount of such additional costs; and on all taxes and assessments paid between the time of the expiration of the twenty days' notice, as provided in section 5 of this chapter, and the time of sale of the real estate on which such taxes and assessments are a lien, interest at the rate of twelve per cent. per annum, to be computed from the date of the warrants for the collection thereof to the date of such payment, shall be added to the same and collected therewith; and said treasurer shall also collect with such taxes and assessments, all fees, costs and expenses incident to the proceedings consequent upon non payment of taxes and assessments as provided in this act, and such fees, costs and expenses are hereby declared to be legal charges upon the real estate on which any tax is levied or assessment made under the provisions of this act. The fees for publishing notice of sale of lands for taxes or assessments under this act shall be the same as provided in section 1133 of chapter 49 of the revised statutes, for publishing notice of sale for taxes; and for publishing all other notices, proceedings and advertisements required to be published under this chapter, the same fees as allowed for publishing legal notices, etc., by section 4275 of chapter 49 of the revised statutes; and the clerk of the circuit court shall have and receive the same fees on proceedings in said court under the provisions of this chapter, as for similar services in other cases in said court. Said fees, costs and expenses shall be apportioned equally upon the several parcels of lands concerning which said notice or notices were published, and said proceedings taken.

Section 22. Any action or proceeding for the recovery of any land sold prior to January first, 1882, for taxes or assessments under the provisions of this act, except in cases where the taxes or assessments have been paid, or the lands redeemed as provided by this act, shall be commenced within one year, and for the recovery of land sold subsequent to said date within three years from the time of recording the deeds of said sale executed under the provisions of this act, and not thereafter.

Section 23. If any tax hereafter levied or assessments made shall be set aside in whole or in part, for any cause whatsoever, by the order or judgment of any court, the common council are hereby authorized, directed and required forthwith to re-levy and re-assess, as the case may be, the taxes or assessments so set aside, with interest thereon at the rate of seven per cent. per annum, from the date of the warrant for the collection of such tax or assessment so set aside, upon the property, lots, pieces or parcels of land in such first assessment roll or list so apportioned and set down opposite to each lot, piece or parcel of land therein described, and opposite to each person therein named, and as to which such tax or assessment shall have been so set aside.

Section 24. If any tax heretofore levied by said city shall be set aside, in whole or in part, for any cause whatsoever, by the order or judgment of any court, the common council of said city are hereby authorized, directed and required to re-levy such tax, or as much thereof upon each and every lot, piece or parcel of land as to which such tax shall be so set aside, as should and might have been legally assessed and levied thereon, at the time the said tax so set aside was first levied; and such tax so re-levied shall be and continue a lien upon such lots, pieces or parcels of land upon which so re-levied, from the date of the warrant for the collection of the tax so set aside, in preference to any other lien thereon, except of taxes levied prior to the time of the first levying of such tax so set aside, till the payment thereof, together with all legal charges.

Section 25. The common council of said city shall cause the taxes and assessments levied and assessed, as in the twenty-third section of chapter six of this act provided, to be collected forthwith, notwithstanding the time for the collection of the annual city taxes of said city, as provided in this act, shall not have arrived, and the treasurer of said city shall take the like proceedings, as far as practicable, in the collection thereof, as in the collection of the annual city and ward taxes and assessments as in this act provided.

Section 26. No order of injunction shall be allowed or issued by any court, judge or commissioner in this state to enjoin or restrain the sale of any lands in the city of Janesville, for taxes or assessments, or to enjoin, restrain or interfere with any proceedings taken or attempted or threatened to be taken for the collection of taxes or assessments, except upon notice or an order to show cause; and no action ar proceeding shall be commenced in any court in this state for the purpose of setting aside the taxes or assessments on any land situate in said city of Janesville, or to invalidate or set aside any certificate of sale of land therein for taxes or assessments, or any tax deed conveying any land in said city, or for the purpose of recovering the possession of lands therein held under a tax deed, unless the person or persons commencing such action or proceeding shall first pay to the treasurer of said city the amount of all taxes and assessments remaining unpaid thereon, whether such taxes or assessments have been regularly assessed or not; and the person commencing such action or proceedings shall allege in his complaint or papers either that all taxes or assessments on such lands have been paid within the time required by law for the payment thereof, or, if payment is not made by virtue of this section, he shall allege the amount which has been paid to the city treasurer, to enable such party to commence such action or proceedings, the time of payment, and the year for which such payment is made; and if it shall appear, upon the trial or hearing of such action or proceedings, that the amount so paid is not the amount of taxes and assessments justly chargeable upon such land, such action or proceeding shall be dismissed, and costs taxed against the plaintiff.

CHAPTER IX.

PUBLIC SCHOOLS.

Section 1. There shall be elected every two years by the qualified electors in each ward in said city a school commissioner, who shall be a resident of the ward in which he is elected. There shall also be elected every two years, by the qualified electors of said city, one school commissioner at large for said city. The term of office of such school commissioner shall be two years, and they shall, within ten days after their election, take the oath office prescribed by this act for city officers. The school commissioners heretofore elected under the charter of said city shall hold their offices until the expiration of the time for which they were elected, and until their successors are elected and qualified; and nothing in this act shall be so construed as to authorize the election of any school commissioner, in any ward in said city, whose term of office shall commence before the expiration of the term of the school commissioners heretofore elected in said ward.

Section 2. The said school commissioners so elected, together with the commissioner at large, shall constitute a board, to be styled the board of education of the city of Janesville. Said board shall appoint and hold stated monthly meetings, and a majority thereof shall constitute a quorum for the transaction of business. At the first meeting of said board in each year, the members thereof shall elect one of their number president, and whenever he shall be absent, a president pro tem. may be appointed. They shall also appoint a clerk, and fix his compensation, which shall not exceed the sum of three hundred dollars per annum, and he shall hold his office during the pleasure of the board. The said commissioners shall not receive any compensation for their services.

Section 3. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record, or a transcript thereof, certified by the president and clerk of said board, shall be received in all courts and places as prima facie evidence of the facts therein set forth; and all the books and accounts of said board, shall at all times be subject to the inspection of the common council and of any committee thereof, duly appointed for that purpose; and the said board shall examine all teachers making applications to teach in the public schools of said city, and all certificates to teachers, granted by said board shall be substantially in the form prescribed by the state superintendent of schools. The clerk of said board shall visit all schools in said city at least twice during each month, and report their condition to the board of education, with such suggestions for their improvement as he may deem proper. He may also make such suggestions to said board as he may deem necessary for improving and repairing schoolhouses, grounds, fences and appurtenance thereto belonging.

Section 4. The clerk of said board shall in each year, and at the time and in the manner now or hereafter to be required of town superintendents of schools in the several towns of this state, make and transmit to the clerk of the board of supervisors a report in writing, which report shall in form be such as is now required by law to be made annually by town superintendents of schools and transmitted to said clerk.

Section 5. The common council of said city shall have power to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection and safe keeping, care and preservation of the school houses in said city, and lots and appurtenances to the schools, and also to impose penalties for the violation thereof. All such penalties shall be collected in the same way that other penalties authorized to be imposed by said council under said act as amended are collected.

Section 6 The title of the school houses, sites furniture, books, apparatus and appurtenances, and all other property in this chapter mentioned, shall be vested in the city of Janesville, and the same, while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said city shall be able to take, hold or dispose of any real or personal estate transferred to it by gift, grant, bequest or devise for the use of the schools of said city, whether the same shall be transferred in terms to said city, by its proper style, or by any other designation, or to any person or persons or body for use of said schools.

Section 7. The treasurer of said city is hereby authorized, empowered and directed to apply for, demand and receive from the county treasurer, for Rock county, all moneys appropriated for the use of schools in said city, and all other moneys in the possession of said county treasurer, at any time, raised, appropriated or intended for the use and benefit of schools in said city, and the said county treasurer is hereby directed and required, on demand of the said city treasurer, to pay over to him the said moneys, without delay or set off, taking his receipt as such treasurer therefor; and all such moneys shall be placed to the credit of school fund of said city, and shall only be drawn from the treasury in payment of teachers' wages.

Section 8. The said board of education shall have power, and it shall be its duty:

1. To establish and organize such and so many schools in the several wards of said city as they shall deem necessary and expedient, and to alter and discontinue the same.
2. To have the custody and safe keeping of the school houses, out houses, books, furniture and appendages, to see that the ordinances and regulations of the common council in relation thereto are observed.
3. To contract with and employ in behalf of the city, all teachers in the common and ward schools, and the high school, who shall have been licensed by said board, and at their pleasure to remove them, and it shall be the duty of said board of education, and they are hereby required to employ in the high school, at least one teacher competent to teach the German language, and who shall, under such rules and regulations as may be adopted by such board, teach the German language to all pupils in said school who shall desire it; and said board of education may employ as one of such teachers a competent German teacher, who shall also be competent to teach the English branches, and when employed may assign him or her to any one of the ward schools, and define his or her duties as such teacher, and in all things regulate and direct the particular ward school to which he or she may be assigned.
4. To have in all respects the superintendence, supervision and sole management of all the public schools in said city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils, and their transfer from one school to another, and, generally, for the promotion of their good order, prosperity and public utility.
5. To cause all repairs to be made to school buildings and other school property in said city, and to contract for all things necessary or proper for the support and maintenance of the schools of said city, for the current year; and to have the exclusive management of, control and disbursement of all moneys raised by tax in or received from any source by said city for school purposes, and to audit all accounts and indebtedness in-

curred for school purposes in said city, and to draw orders on the treasurer for the same.

6. To prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe-keeping, care or preservation of the school-houses, lots, sites and appurtenances, and all the property belonging to said city connected with or appertaining to the schools therein, and suggest proper penalties for the violation of such ordinances and regulations, and annually to determine and certify to the common council at its first meeting in June of each year the amount of money in their opinion necessary or proper to be raised under subdivision 2 of section 1 of chapter 6 of this act, specifying the sum for each of the purposes therein mentioned, and the reason therefor, which sum shall not exceed eighteen thousand dollars ($18,000).

Section 9. No contract shall be made or liability or indebtedness incurred by said city for the sale or purchase of school house sites, or the constructing of school houses, by the common council of said city, except upon the recommendation in writing to said common council by the board of education, and then only to the extent and in the manner so recommended by said board of education; and all liability or indebtedness on the part of the city incurred under the provisions of this section shall be audited by and paid on the order of the board of education, and not otherwise; provided, that no contract shall be made or liability or indebtedness incurred for either of the purposes specified in this section, without a vote of two-thirds of all the members of the common council.

Section 10. All moneys raised by tax in or received by said city from any source for school purposes, of every kind and description whatsoever, shall be kept by the city treasurer, separate from any other funds of said city, and also from the private funds of said treasurer, and shall only be drawn from the treasury upon the order of said board of education, signed by the president and clerk of said board; and if said treasurer shall fail to keep said fund separate as aforesaid, or shall misapply the same, or shall fail to pay the order of said board of education on demand, at any time before he shall have fully paid out all the moneys received by him for school purposes, the office of said treasurer shall be forfeited and immediately become vacant, and in addition to such treasurer's liability upon his official bond he shall forfeit and pay to the city of Janesville the sum of five hundred dollars for such failure or refusal to pay such order, to be sued for and recovered by said board of education in the name of the city of Janesville, for the use of the school fund of said city.

Section 11. The treasurer of the city of Janesville shall, at the end of each and every month, and oftener if required render an account to said board of education, showing the condition of the school fund of said city, and the balance of moneys in his hands belonging to said fund giving also a full and detailed account of all moneys received by him belonging to said fund, and all expenditures therefrom since his last report to said board; and if said treasurer shall neglect or fail to make such report when required by said board of education, his office shall be forfeited and become and be vacant; and in addition to said treasurer's liability upon his official bond, he shall forfeit and pay to the city of Janesville the sum of five hundred dollars for such neglect or failure to make such report, to be sued for and recovered by said board of education in the name of the city of Janesville, for the use of the school fund of said city.

Section 12. The books and accounts of the treasurer of the city of Janesville shall always be subject to the inspection of the members of the board of education of said city, and of committees appointed by said board to inspect the same.

Section 13. The said board of education shall have power to allow the children of persons not residents of said city to attend any of the schools therein, under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition that shall be paid therefor. All moneys so received for tuition shall be paid into the treasury, and credited to the school fund of said city.

Section 14. It shall be the duty of said board of education to report to the common council at its first meeting in the months of January and July in each year, the condition of the several schools in said city, and the average number of pupils in attendance; the names and rate of compensation of the several teachers; the cost of supporting said schools since their previous report, and the estimated cost thereof to the time of their next succeeding report, specifying the items thereof, under their appropriate heads, together with such other matter as the common council may require.

Section 15. The board of education shall not contract indebtedness, incur liability or appropriate money in any one year to a greater amount than the amount of school funds to be raised by tax and received from other sources in such year, and every member of the board of education who shall vote to contract indebtedness, incur liability or appropriate money to a greater amount than the amount of such funds to be raised and received in such year, shall forfeit and pay the sum of fifty dollars, to be sued for and recovered in the name of the city, for the use of the school funds.

Section 16. The board of education shall report monthly to the common council all accounts audited or orders drawn by them upon the school fund, and the same shall be published by the council in a newspaper published in the city.

Section 17. The board of education shall report to the common council whenever any vacancy may occur in said board by resignation or otherwise; or whenever any member of said board shall be guilty of any act of omission or commission, or of neglect of any duty as a member of said board.

CHAPTER X.

FIRE DEPARTMENT.

Section 1. The common council, for the purpose of guarding against the calamities of fire, shall have power, and it shall be its duty, by ordinance, to prescribe the limits within which wooden buildings and buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

Section 2. The common council shall also have power to procure engines and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure engine houses and other places for keeping and preserving the same, and shall have power—

First. To organize fire engine, hose and hook and ladder companies, and to pay such salary as they may deem best to the members of such companies.

Second. To appoint, during their pleasure, a competent number of able and reputable inhabitants of said city, firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

Third. To prescribe the duties of firemen and to make rules and regulations for their government and efficiency, and to impose reasonable fines and forfeitures upon them for a violation of the same; and for incapacity, neglect of duty or misconduct, to remove them.

Section 3. Each of the companies organized under the provisions of this chapter may elect its own foreman, assistant foreman and clerk. An engineer to be attached to each engine company shall be appointed by the common council. The pipemen and hosemen attached to an engine company shall be appointed by the foreman of such company.

Section 4. There shall be a meeting of the members of the fire department on the third Monday of March in each year, at such house and place as shall be designated by the mayor by a notice published in a newspaper published in said city, at least one week before said meeting; or if the mayor fails to give such notice, then said department shall meet on said day at 7:30 p. m., at the engine house on the west side of the river. At such meeting said department may nominate and recommend to the common council for appointment one chief engineer, one 1st assistant engineer, one 2d assistant engineer, and the common council may thereupon appoint the persons so recommended as aforesaid; if they fail to appoint the persons so recommended, they shall request the said department to recommend other persons in place of the ones not confirmed and appointed. The officers which are appointed by said council shall continue in office for one year, and until the appointment and qualification of their successors. The chief and assistant engineers shall, annually, before they enter on the duties of their respective offices, execute to the city of Janesville a bond in such sum and with such sureties, as the common council shall approve, conditioned that they shall faithfully execute the duties of their office, and account for all property received by them as such officers, which bonds, with the approval of the common council certified thereon by the clerk, shall be filed with the clerk.

Section 5. The chief and assistant engineers, appointed as in the next preceding section provided, shall be the chief and assistant engineer of the fire department of the city of Janesville, and they, with the other firemen, shall take the care and management of the engines and other fire apparatus and implements used and provided for the extinguishment of fires and preservation of property at fires; and at fires the chief engineer, and in his absence the assistant engineers, according to their respective appointments, shall have the command and control over the said fire department and the fire engines, and all other fire apparatus and implements used and provided for the extinguishment of fires. It shall be the duty of the chief engineer to report to the common council at its first meeting in December, March, June and September in each year, the condition of the engines, hose, hooks and ladders and other fire apparatus, and the buildings in which they are kept; and also, to recommend such additions and improvements to the same as he may deem expedient. It shall be his further duty to report monthly to the common council the names of such members of the fire department as shall have disobeyed orders, or neglected or refused to do their duty. And he shall report monthly to the common council for confirmation the names of such persons as shall have been elected members of the different companies. The common council may more fully define the powers and duties of said chief and assistant engineers.

Section 6. Whenever any person shall refuse to obey any lawful order of any engineer or other person having command of the fire department at any fire, it shall be lawful for the officer giving such order, to arrest or direct orally any officer of said city or citizen to arrest such person and to confine him temporarily in a safe place, until such a fire shall be extinguished; and such officer, or any of them, may in like manner, arrest or direct the arrest and confinement of any person at such fire who shall be in-

order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to pay such penalty as the common council shall prescribe, not exceeding fifteen dollars.

Section 7. The common council shall have power to organize a sack company, and to provide for the expense of maintaining the same, which shall be known as sack company No. 1, to consist of not more than twenty members. such company shall constitute a part of the fire department and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, shall be and are hereby authorized and empowered to act as special police in and for the city of Janesville, and are hereby vested with all the power and authority which is now or may be hereafter vested in any police officer of said city and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and, so far as it may be in their power, preserve the same from injury or destruction. Said company may from time to time adopt such by-laws and regulations for its government as they may deem necessary, not inconsistent with this act and the laws of the state. The members of this company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of public amusement in the city, and shall perform such service as may be necessary for the peace and good order of the same. The members of said company shall severally take oath or affirmation that they shall faithfully discharge the duties of their said office; and when any member of said company shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk, who shall preserve a record of all members of said company.

Section 8. Every member of each company organized under the provisions of this chapter shall be exempt from poll tax, from serving on juries in all courts of this state, and from military duty during the continuance of such membership; and any person having served for the term of seven years in either of said companies, shall thereafter be exempt from serving on juries in all courts of this state, from poll tax, and from military duty, except in case of war, invasion or insurrection. The name of each member of said companies, designating the company to which he is attached, the date when he became such member, and when he ceased to be such member, shall be registered with the clerk of the city.

CHAPTER XI.

CITY CEMETERIES.

Section 1. The city of Janesville is hereby authorized and empowered to purchase, hold, take and convey such tracts of land, without the limits of said city, for the purpose of establishing such cemeteries for the interment of the dead therein, as the common council of said city may think necessary, which shall be exempt from tax under any law of this state.

Section 2. The said city is hereby authorized and empowered to take, hold and dispose of any and all real estate without the limits thereof, heretofore transferred to it by gift, grant, bequest or devise for cemetery purposes, by any and all persons and corporations whatsoever, whether the same have been transferred in terms to said city, by its proper style, or by any other designation or to any other person or persons, or body, for the use of said city.

Section 3. The common council of said city shall have power to pass such ordinances, rules and regulations with regard to the improving, preservation, laying out and ornamenting of said cemeteries and the burial of the dead therein, as they shall think necessary.

Section 4. The said common council is fully empowered and authorized to provide, by ordinance, for the punishment of all persons who shall, without said limits, be guilty of any violation of the regulations, rules and ordinances established by said city in relation to such cemeteries, the same as if such offense had been committed within the boundaries of said city; and any magistrate having jurisdiction of prosecutions for the violation of ordinances of said city is hereby authorized and empowered to issue process for the apprehension of any and all persons guilty of any such violation, and to have the same jurisdiction in every respect as of the violation of any other ordinance, rule or regulation of said city.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

Section 1. No moneys shall be appropriated by the common council of said city, for any purpose whatsoever, except such as are expressly authorized by this act.

Section 2. All orders drawn upon the treasurer must be signed by the mayor or presiding officer of the common council, and countersigned by the clerk, except as provided in section 2 of chapter 3, and section 10 of chapter 8, of this act, stating therein the particular fund or appropriation to which the same is chargeable, and the person to whom payable, and no money shall be otherwise paid from the treasury than upon such orders so drawn: provided, that no appropriation shall be made or order drawn upon the treasury, without a vote of a majority of all the members of the common council in favor thereof, which vote shall be taken by ayes and noes, and entered upon the proceedings of the council. No money shall be drawn from any fund in the treasury, except for the purposes for which it was raised and appropriated.

Section 3. All moneys received for licenses under any of the provisions of this act (except licenses for the vending and dealing in spirituous, vinous and fermented liquors) and for the violation of any ordinance, resolution, rule, order, regulation or by-law, and for any penalty or forfeiture incurred under any of the provisions of this act, shall be paid into the school fund of said city, and shall be expended by the common council for the support of the schools therein.

Section 4. The common council shall not contract indebtedness or incur liability or appropriate money in any one year, payable out of any fund authorized to be raised in said city, to a greater amount than the amount of such fund so authorized to be raised in such year; and every member of the common council who shall vote to contract any indebtedness or incur any liability or to appropriate any money payable out of any fund in excess of the amount of such fund authorized to be raised in such year, shall forfeit and pay the sum of fifty dollars for each and every offense.

Section 5. Every member of the common council who shall vote to draw any order on or appropriate any money from any fund, for or on any claim or demand against the city not properly payable out of such fund, shall forfeit and pay the sum of fifty dollars for each and every offense.

Section 6. The penalties given by the last two preceding sections may be sued for and recovered in the name of the city, and the proceeds shall be paid into the school fund of said city.

Section 7. No member of the common council shall be competent to hold any other office or appointment of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act, order, resolution or ordinance of the common council, or be directly or indirectly interested in any contract, the expense or consideration whereof are to be paid under any ordinance or other action or direction of the common council.

Section 8. No member of the common council shall vote for the allowance of any claim against the city in which he is interested, or in relation to which he has been employed or retained as agent, attorney or council.

Section 9. No officer of the city shall receive any penalty, fine, forfeiture or claim due to said city or the violation of any ordinance, resolution, rule, order, regulation or by-law of said city, or under any provisions of this act, except the treasurer of the city, the judge or justice before whom an action has been instituted therefor, or an officer having power by an execution to collect it.

Section 10. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of all the aldermen.

Section 11. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of or tax payer in said city, in any proceeding or action in which the city shall be a party.

Section 12. If any election by the people or common council shall not be held, from any cause, at the time or in the manner herein prescribed, or if the common council fail to organize as herein provided, said city corporation shall not be dissolved, but such election or organization may be had on any subsequent day, by order of the common council thereof; and if any of the duties enjoined by this act, or the ordinances or by-laws of said city, to be done by any officer or agent at a specified time, and the same is not then done or performed, the common council may appoint another time at which the said act or acts may be done.

Section 13. Every ordinance, resolution or by-law imposing a penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, be published for three weeks successively, at least once in each week, in some weekly or daily newspaper published in said city. The affidavit of the printer or publisher of such newspaper, or of its foreman, of the publication thereof, taken before any officer authorized to administer oaths, and filed with the city clerk, or a copy of such affidavit certified by the clerk under the corporate seal of said city, shall be conclusive evidence of such publication in all courts and places. Until such publication, said ordinances, resolutions or by-laws shall not become operative.

Section 14. A copy of any resolution, order or by-law of the common council, passed pursuant to section 4 of chapter 4 of this act, certified by the clerk under the corporate seal of said city, may be served upon any person to be affected thereby, personally, or in case such person cannot be found at his or her residence, or usual place of business, in said city, then by leaving it at such residence with a person of suitable age and discretion. The resolution, order or by-law shall thereafter, so far as said person is concerned, have the same effect as an ordinance duly made and published by the common council. In case the person to be affected by the resolution, order or by-law is a non-resident, no service of a copy thereof shall be necessary, unless he or she has an authorized agent in said city, when the service shall be made upon such agent, either personally or by copy, as provided in this section for serving the same on the principal: provided, that this section shall not be so construed as to affect the provisions of section 5 of chapter 4 in relation to the service of orders to appear and testify.

Section 15. The general laws of this state for

and malicious injuries done to the same, are hereby extended to and shall include all trees belonging to said corporation and within said city, and to all bridges now built, and all that shall be hereafter built in said city, and shall apply to any willful or malicious damage which may be done to the same by any person or persons whatever, and the common council may from time to time make such by-laws or ordinances as they may deem necessary for the preservation of such trees and bridges, and enforce by adequate penalties.

Section 16. Service of process for the commencement of any action against said city shall be made by leaving a copy of the same with the mayor and city clerk, and it shall be their duty forthwith to inform the common council thereof, and take such other proceedings as the nature of the case shall require, or as by ordinance or resolution of the common council in such cases directed.

Section 17. If any contractor doing any work of any kind or nature in or upon any of the streets, sidewalks, bridges, or public grounds of the city of Janesville, under contract with said city or the common council of said city, shall fail to keep up sufficient fences, guards or lights to prevent damage or injury to persons or property, or shall be guilty of other negligence in doing such work, and damage or injury shall occur by reason of such default or negligence of such contractors, such contractor shall be primarily liable for all damage for such injury; and said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such contractor.

Section 18. It is hereby made the duty of the respective owners of lots or parcels of land fronting on any street, highway, or alley, in said city, to keep the sidewalk in front thereof in safe condition for the public use.

Section 19. Whenever any injury shall happen to persons or property in said city, by reason of any defect in any street, sidewalk, alley or public ground, or from any other cause for which the said city would be liable, and such defect or other cause of such injury shall arise from or be produced by the wrong, default or negligence of any person or corporation other than said city, such person or corporation, so guilty of such wrong, default or negligence, shall be primarily liable for all damages for such injury, and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or corporation.

Section 20. In case of recovery of judgment under said sections 17 or 19 of this chapter, against the person or corporation primarily liable, and failure to collect the same as therein provided, such judgment shall in no way bar or prejudice the city in its defense of any action brought against it for the same injury and in case of failure to recover in any action against such person or corporation, as aforesaid, such failure shall be a bar to any action against said city for the same injury. Nothing in said sections 17 and 19 of this chapter shall in any way affect any action now pending against said city for an injury caused by reason of a defect in any of its streets, highways, alleys or sidewalks, but such action shall proceed to trial, or retrial, and judgment, the same as if the provisions of the charter of said city had remained as they were when said injury had occurred or said action was begun.

Section 21. When judgment shall be rendered against the city of Janesville, or against any city or ward officer or agent of said city, for any act of said officer or agent for which the city would be liable, no execution shall be awarded or issued upon such judgment, except as herein provided: but the same, unless reversed, shall be assessed or levied, collected and paid as follows: if the claim, demand or matter upon which such recovery is had, was originally a charge upon a particular ward or ward fund, by assessing or levying the amount thereof upon the real and personal property in such ward subject to taxation anything in subdivision 7 of chapter 6 of this act to the contrary notwithstanding; if such recovery was had upon any claim or demand for an improvement, that under this act should be paid for by an assessment upon particular lots or parcels of land, in the manner provided in chapter 7 of this act, and in all other cases, by assessing or levying the same upon all the taxable property in said city subject to taxation; and when so collected the same shall be kept by the treasurer, separate from all other funds in the treasury, and only paid out by the treasurer on orders drawn to pay such judgment, which orders shall distinctly specify the demand or judgment to pay which the same are drawn; but if said orders so drawn shall not be paid on demand, in thirty days after the amount of such judgment shall have been assessed or levied and collected, as herein provided, execution may be issued thereon, upon the order of the court authorized to issue such execution, on notice and special application therefor; but no personal or real property of any inhabitant of said city, or of any individual or corporation, shall be liable for or be levied on or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Section 22. The said city may have, purchase, and hold real or personal property sufficient for all public purposes, and may sell and convey the same, and the same shall be free from taxation for any and all purposes.

Section 23. All real estate exempt from taxation by the laws of this state shall be subject to taxation and assessment for the street and other similar improvements in said city, the same as other real estate under this act.

Section 24. Every person residing in said city, who would be required to perform highway work by the general laws of this state, shall be required to perform one day's work annually on the streets and highways in said city, to be performed in the ward where he resides, under the direction of the street commissioner. But every such person so liable to perform work may at his option pay to said street commissioner at the rate of one dollar per day in lieu of such work.

Section 25. The manner of submitting any question to the electors of said city hereinbefore required by the provisions of this act to be so submitted shall be as follows: The common council shall cause a notice to be prepared, which shall be signed by the mayor and clerk, and published in some daily, if any, and if not, then in some weekly newspaper printed in said city, the first publication to be at least ten days previous to the day fixed for any election to be held under such notice. Said notice shall particularly set forth the question to be determined by such election, the form of the ballot to be used by such electors as may vote in favor or against the proposition submitted, the time of holding such election, the place where in each ward the polls of such election will be held, and the hour of opening and closing the same; and if any such question so submitted shall involve the raising of money by tax, such notice shall state the precise amount of such tax, and the purpose for which it is proposed to levy such tax. All such elections shall be conducted and returns thereof be made and canvassed, and the result thereof declared, in like manner as annual city elections are under this act required to be conducted, and returns thereof made, canvassed and declared. But any question so submitted shall be declared lost unless it shall appear on such canvass that two-thirds or more of all the legal votes so cast thereon shall be in favor thereof.

Section 26. The city of Janesville shall be and is hereby made the lawful owner of all property donated to the public by the original recorded plat of the village of Janesville, and by the recorded plat of every and all additions since made, or which shall hereafter be made thereto, except the block in the original recorded plat of the village of Janesville, bounded northerly by Court street, easterly by division street southerly by South First street and westerly by Bluff street.

Section 27. All officers of said city and special police shall have power to arrest or cause to be arrested, with or without process, all persons who shall break or threaten to break the peace or commit any criminal offense, and, if necessary, detain such persons in custody over night in some safe place, and shall have and exercise such other powers as conservators of the peace as the common council may prescribe.

Section 28. If any animal or animals shall be taken up and impounded under any provisions of this act, or any ordinance or by-law passed in pursuance of its provisions, the poundmaster or city marshal shall forthwith make complaint on oath to the police justice or other judge or justice having jurisdiction to try cases to which the city is a party, stating the seizure of such animal or animals, and the cause of such seizure, and request a summons to the owner, if known, to appear and show cause why such animal or animals should not be sold. Such judge or justice shall thereupon issue a summons reciting the substance of such complaint and requiring the owner of such animal or animals or any person having an interest in them, to appear on a day fixed, not less than four nor more than six days thereafter, and show cause why such animal or animals should not be sold.

Section 29. In said summons the city of Janesville shall be designated as plaintiff and the owner or owners or any party having interest in such animal or animals, if known, shall be designated as defendants, and such summons and all processes in said action shall be served in the manner provided for the service of a summons and process in justice court.

Section 30. If the owner or owners of such animal or animals be unknown, or are non-residents of Rock county, such fact shall be stated in the complaint and summons, and a particular description of such animal or animals shall be given, and the said summons shall be published for three days consecutively in a daily newspaper published in said city, such publication to be completed at least two days before the return day thereof, and a copy of such summons shall be posted in three public places in said city; and such publication and the posting of such copies shall be in lieu of personal service of such summons.

Section 31. On the return day of the summons the judge or justice shall proceed summarily with the trial of the case, and conduct the trial of the case in the manner provided for the trial of cases in justice courts.

Section 32. The complaint aforesaid shall be the complaint in the action, and a general denial shall put in issue all matters in controversy.

Section 33. If the judge or justice shall find that the animal or animals mentioned in the complaint were found running at large in said city in violation of any of the provisions of the charter of said city, or any ordinance passed in pursuance thereof, he shall render judgment according to such finding, and for the costs of such action and the costs, fees and penalties imposed by any such provisions or ordinance; and unless such judgment is paid, such judge or justice shall forthwith issue an execution, commanding the officer to whom it is addressed to sell the animal or animals mentioned in the complaint at public auction.

Section 34. Such officer shall give notice of such sale by posting in three public places in

taining a description of the property for sale.

Section 35. Said sale may be adjourned for want of bidders or other cause satisfactory to such officer, by making public proclamation thereof.

Section 36. The proceeds of such sale shall be paid by such officer to the magistrate, and after deducting the fees and costs of impounding such animal or animals, and the costs of such action, shall be paid into the city treasury. Provided that if there be any surplus in the amount paid into the treasury over and above the penalty imposed by any such ordinance, the common council shall order such surplus to be paid to the owner or owners of such animals whenever application shall be made therefor.

Section 37. The common council of the city of Janesville are hereby authorized, at any time hereafter when any of its bonds or other authorized indebtedness shall become due, to borrow such sum or sums of money as may be necessary to pay such bonds or other indebtedness.

Section 38. The said common council are hereby authorized, whenever they shall borrow any sum or sums of money by virtue of the preceding section, to issue the bonds of said city, in such form and of such denominations as they may determine. Such bonds shall draw interest at such rate, not exceeding eight per cent. per annum, and shall be payable at such time, not exceeding ten years from their date, and at such place, as said common council shall designate.

Section 39. The said common council shall annually, after the issue of such bonds, levy upon the taxable property of said city, and cause the same to be collected, a tax sufficient to pay the interest on said bonds as the same shall become due, and shall also provide by tax in the same manner for the payment of the principal of said bonds, whenever the same shall become due and payable.

Section 40. This act shall not invalidate any legal act done by the city of Janesville, by the common council of the city, or by its officers, nor divest it or them of any rights of property or otherwise, or liability which may have accured to or been created or incurred by said corporation prior to the passage of this act.

Section 41. This act shall be deemed a public act, and may be read in evidence without further proof, and judicial notice thereof shall be taken in all courts and places: and all ordinances, order, rules, resolutions or regulations and by-laws of said city, when printed and published as in this act provided, shall be received and read in evidence in all courts and places, without further proof. Also the book in which the ordinances, of said city are recorded at length by the city clerk shall be received and read in evidence in all courts and places, without further proof.

Section 42. The city of Janesville shall be regarded as one of the towns of Rock county, for the purpose of raising and collecting the annual county and State taxes, and the same provisions of law which shall apply to the assessment and collection of said county and State taxes in the several towns in this State, and the duty of all officers concerned therein or connected therewith, shall be applicable thereto.

Section 43. The common council shall, at least ten days before the annual election in each year, cause to be published in one or more newspapers in said city, a full and correct statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former are derived, and their mode of disbursement, and also a distinct statement of the whole amount assessed received and expended in the respective wards for the same period, together with such other information as may be necessary to a full understanding of the financial concerns of the city.

Section 44. All ordinances, orders, resolutions, regulations and by-laws now in force in said city of Janesville, and not inconsistent with this act, shall remain in force under this act until altered, modified, or repealed by the common council.

Section 45. All acts heretofore passed relating to the charter of the city of Janesville, or any amendment thereto, and chapter 339, laws of 1857, are hereby repealed.

Section 46. No general law of this State contravening the provisions of this act shall be considered as repealing, amending, or modifying the same, unless such purpose be expressly set forth in said law.

Section 47. If the common council of said city at any time shall revise its existing ordinances and by-laws, and shall thereafter publish the same in book or pamphlet form for use and distribution, such publication shall be deemed and held to be a legal and sufficient publication of said ordinances and by-laws, respectively, anything in the charter to the contrary notwithstanding.

Section 48. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1882.

ELDREDGE only, has the Brook.

MRS. S. R. NOON will receive pupils in Elocution on Monday, April 3d, in Cannon's hall. Private lessons, from 9 to 5. General class Saturdays at 3 o'clock. Private, one hour lesson, 50 cents. General class, 12 lessons, $1.25.

THE Brook nickle cigar sells well because it is the best.

FOR PURCHASE AND SALE OF HORSES Col. Burr Robbins has established head quarters at Spring Brook farm under the management of Spencer Alexander (known as Delavan) where parties having horses for sale or wishing to purchase will find it to their interest to call.

Go to the Empire drugstore and buy the Brook cigar for a nickle.

AN excellent second hand manufacturing sewing machine, of the Grover & Baker make, for sale at a bargain. Apply at the Gazette office.

For sale at the Gazette office a wire flower stand.

If you want a first class filterer call at Gazette office.

J. AND A. BAUMAN at their saloon on River street, have on draught the celebrated Frank Falk's Bavarian Beer, and Falk's Export Bottled Beer, by the case or dozen, delivered to any part of the city. This beer was awarded the first premium at the Industrial Exposition in San Francisco, and at the International Exposition, in Sidney, Australia. There is none better.

FOR SALE—A piano box, cross spring buggy, good as new. Enquire at Gazette office.

G.W. WHEELER has removed to Myers house block, Main street, and will continue his auction sale until the whole stock is closed out. Don't fail to call on him for bargains.

FOR SALE.—$1200 will buy a large house and lot, with good barn, on South Main street. Small payment down, long time on balance. Inquire at Gazette office.

SEND for circular of new style of Hopper Scale with Leveling attachment. Borden, Selleck & Co., Chicago. 2

ICE! ICE!—Thankful to last year's customers for their patronage, I am again prepared with a large crop of ice to serve them, and as many others as see fit to patronize me during the coming year. The ice in my house on North River street is for family trade only, while that at Monterey is for cooling purposes. Ice is 14 to 16 inches thick and of finest quality. Orders may be left at King's bookstore, A. Rider's, or at my residence, No. 2 South Jackson street.

J. H. GATELEY.

The Enjoymennt of a Bath.

is materially enhanced by the use of Cole's Carbolisoap. It is puryfying and invigorating to the skin, and preserves, freshens and beautifies the complexion. It is purely vegetable and superior to all others for bath and nursery purposes.

LOCAL MATTERS.

:o:

$1500 per year can be easily made at home working for E. G. Rideout & Co., 10 Barclay Street, New York. Send for their catalogue and full particulars. nov22dawly

On Thirty Days' Trial.

We will send Dr. Dye's Celebrated Electro-Voltaic Belts and other Electric Appliances on trial for thirty days to young men and older persons who are afflicted with Nervous Debility, Lost Vitality, etc., guaranteeing speedy relief and complete restoration of vigor and manhood. Also for Rheumatism, Neuralgia, Paralysis, Liver and Kidney difficulties, Ruptures, and many other diseases. Illustrated pamphlet sent free.

THE GAZETTE.

SATURDAY, APRIL 1

The circulation of the GAZETTE is larger than the combined circulation of any five newspapers in Rock county.

Briefiets.

—The sprinkling carts will appear on our streets on next Monday.

—The State against Canary was continued till the 5th at 9 o'clock a. m.

—There will be a meeting of the land league at the Temperance Hall at 4 p. m. to-morrow.

—City Treasurer Haselton paid the the school teachers in full, $1,476 for the month of March.

—The funeral of the late Peter Neyhart will take place at 10:30 a. m., tomorrow, from the First Methodist church.

—P. H. Cole, agent for the Chicago & Northwestern Railway Co., at Milton Junction was in the city yesterday evening.

—John C. Stetson, of Milton Junction, and Wm. P. Bentley, of Edgerton, were registered at the Myers house yesterday.

—Mrs. C. M. Boys is the latest victim of the dread destroyer pneumonia, her physician has strong hopes of her perfect recovery.

—Mrs. Ellen Cook Premere, equestrienne, connected with the Big United States show, arrived at the Pember House last evening, from New York.

—Mr. Isaac Farnsworth left for Cedar Rapids, Iowa, to-day, to visit his brother-in-law, Frank Barnett, and if possible will remove him to this city.

—Charley Patterson returned from St. Paul yesterday, where he had been ten days visiting Mr. C. D. W. Young, a former Janesvillian, who is an auditor of the St. Paul road.

—There will be a meeting of the Republican city committee this evening at 7:30 o'clock, at Captain Norcross' law office, at which all the Republican candidates are requested to be present.

—Mr. W. G. Wheelock returned from South Bend, Indiana, to-day, where he went several days ago to take an account of stock. He finds the store under the management of his son Charley, in excellent condition.

—Rev. P. Rech, of Fort Atchinson will preach in German, at the Y. M. C. A. rooms, Sunday evening, April 2, at 7:30 p. m. A cordial invitation is extended to all. There will be regular services at the same place every two weeks.

—In the municipal court this morning Judge Patten sentenced Knowles to pay a fine of $150 and costs amounting to $172.12. Pulker was sentenced to pay a fine of $50 and $22.12 costs, and sentence on O'Hara was deferred till next Wednesday morning.

—Miss M. E. Gould, who has been suffering much of late with a sprained ankle, is slowly improving, and is able to get about a little. She contemplated an extended trip to Europe this spring, but her lameness has made it necessary to postpone the trip.

—Jas. Edwards was taken with lock-jaw at Madison, yesterday morning, and grave fears are entertained of his recovery. Mrs. Owen was telegraphed for yesterday and went to Madison, Mr. Owen returned this morning and reports that Dr. Fox, considers the case almost hopeless. The family have the sincere sympathy of this community in their threatened affliction.

—A report got in circulation yesterday that Mrs. C. S. Jackman, of the Third ward, had the varioloid. There is no truth whatever in the report, and the Gazette makes this statement on the authority of Drs. Judd, Robinson, Whiting and Barrows, who have examined the case. Mrs. Jackman has no contageous disease whatever, so that those who have imagined that they have been exposed, may safely lay aside all anxiety on the subject.

—The Chicago, Milwaukee & St. Paul railroad company have put on a morning passenger train to Madison, making connections there for Portage, La Crosse, Winona, and St. Paul, leaving here at 10:10 a. m. They have also an early morning freight at 6:20 a. m., arriving at Madison at 9:10 a. m., which carries "early bird" passengers. For other trains look over their new time card in this paper.

—The Fond du Lac Commonwealth after giving the bids of the persons for building the court house in that city, says: "It will be seen by the above that O. F. Nowlan, of Janesville, is the lowest bidder, and therefore entitled to the award under the terms of advertisment. After the announcement by the committee there was the usual amount of speculation as to the possibility of gain and the probability of loss to Mr. Nowlan. That gentleman is satisfied with the terms of the contract, and is as smiling as the morning sun over his success. He will go to work at once, and bend all his energies to the fulfillment of the requirements of the specifications, after the contract is signed."

—The lecture at Lappin's hall, last night, was a grand success, notwithstanding the number of people who attended the Republican caucuses in the different wards. There were at least three hundred persons listening to the eloquent lecture delivered by the Rev. G. E. Gordon, who handled his subject in such a manner as to convince every member of the audience that he was perfectly familiar with the history of Ireland's wrongs and woes, and the injury inflicted on that unhappy people through British misrule and oppression. He drew a strong picture of the relations existing between landlord and tenant, and depicted the misery of the latter, and compared with the former, in a manner to call for the loudest applause of the appreciative audience.

—Mr. James Sutherland & Sons have added to their stock one of the largest ges, dados, center and ceiling decorations, ever handled in this city. The stock is not only large, but it has been selected with remarkable care, thereby securing the most popular styles of paper in the market. Aside from these, they have a large assortment of brass, ebony, and walnut lambrequin poles, window cornices, curtains, loops and the like. In other line of goods they have a heavy and a superb stock, which is kept full and well assorted. There is no lagging in the enterprise of this old established firm to keep up with the current of trade and the demands of the times. They have one of the completest bookstores in the State, and in it can be found any article which belongs to a successful and well-established store of the kind.

Voice of the People.

R. V. PIERCE, M. D., Buffalo, N. Y.:

I had a serious disease of the lungs, and was for a time confined to my bed and under the care of a physician. His prescription did not help me. I grew worse, coughing very severely. I commenced taking your "Golden Medical Discovery," and it cured me.

Yours respectfully,
JUDITH BURNETT, Hillsdale, Mich.

—Yesterday the venerable Mrs. Mariian Theresa Seymour, mother of Mrs. Dr. Whiting, and the late Mrs. E. L. Dimock, passed her eighty-fourth birth day anniversary. In honor of the occasion her children, grand children, and great grand children gathered about her with words of kindly cheer which momentarily lightened the burden of accumilated years. The grand old lady is still largely in possession of her faculties, and ready to discuss any controverted point in ecclesiastical history with any one venturesome enough to challenge her. May her faith never be shaken, and may her occidental sun shine brightly till the light from the golden gate shines upon her.

Food for Young and Old.

Food and medicine for young and old, prepared *without fermentation*, from Canadian Barley Malt, Hops, Quinine, Bark, etc. MALT BITTERS are warranted more Nourishing, Strengthening, Vitalizing and Purifying, by reason of their richness in Bone and Muscle Producing Material than all other forms of malt or medicine, while free from the objections urged against malt liquors.

—On Thursday Mr. D. W. Watt received the following telegram from Geo. K. Steele:

PHILADELPHIA, March 30.

To Dave Watt:

How much a month do you want to sell tickets for Forepaugh? Answer.

GEO. K. STEELE.

To this Mr. Watt telegraphed his price, and in response received the following:

PHILADELPHIA, MARCH 31.

To D. W. Watt:

All right. Be at Washington D. C., by April fifth.

GEO. K. STEELE.

Mr. Watt will leave to-morrow for Washington where he will join the Forepaugh aggregation. Mr. Watt will be heartily congratulated upon his good fortune. He is a rapid and correct ticket seller, and the telegrams from Mr. Steele show that he is appreciated.

When there's a Will There's a Way.

Anyone who has the will to try THOMAS' ECLECTRIC OIL will surely find the way to robust health, in cases of bronchial affections, sore throat, pains, etc.; and as an internal remedy, it is invaluable.
Sold by A. J. Roberts and F. Sherer & Co.

Found at Last.

What every one should have, and never be without, is THOMAS' ECLECTRIC OIL. It is thorough and safe in its effects, producing the most wondrous cures of rheumatism, neuralgia, burns, bruises, and wounds of every kind.
Sold by A. J. Roberts, and Sherer & Co.

The Weather.

REPORTED BY PRENTICE & EVENSON, DRUGGISTS.

The thermometer this morning at seven o'clock stood 47 degrees above zero, and at two o'clock, in the afternoon, at 70 degrees above. Clear. For the corresponding time last year the thermometer stood 16 and 23 degrees above.

WASHINGTON, April 1, 1 a. m.—The following are the indications for to-day;

Upper lake region—Warmer south to west winds, lower barometer, fair weather during the day.

Don't Throw up the Sponge.

When suffering humanity are enduring the horrors of dyspepsia, indigestion, or nervous and general debility, they are too often inclined to throw up the sponge and resign themselves to fate. We say, don't do it. Take BURDOCK BLOOD BITTERS, the unfailing remedy. Price $1.00, ize 10 cents.
Slod by A J Roberts and Sherer & Co.

Notice to Advertisers.

The Gazette publishes in full the new city charter, occupying over seventeen columns of the paper. As the publication of this document was a matter of necessity, we are compelled to take out a number of advertisements in order to make room for the charter. The manager of the Gazette has the assurance that the business men whose advertisements are omitted will bear with him in this matter, and he assure them in return that he will, at the earliest opportunity, make good the deficiency.

Pierce's "Pleasant Purgative Pellets" are perfect preventives of constipation. Inclosed in glass bottles, always fresh. By all druggists.

Crystal Temple of Honor.

A special meeting of the Crystal Temple of Honor will be held to-morrow, Saturday evening, at seven o'clock to make arrangements to attend the funeral of our late brother, Peter Neyhart.

WILLIAM STREET, W. C. L.

"Made New Again."

Mrs. Wm. D. Ryckman, St. Catherines, Ont., says: R. V. Pierce, Buffalo, N. T., I have used your 'Favorite Prescription,' 'Golden Medical Discovery' and 'Pleasant Purgative Pellets,' for the last three months and find nyself—(what shall I say)—'*made new again*' are the only words that express it. I was reduced to a skeleton, could not walk across the floor without fainting, could keep nothing in the shape of food on my stomach. Myself and friends had given up all hope, my immediate death seemed certain. I now live (to the surprise of everybody)

REPUBLICAN CITY CONVENTION

The Nomination for the Various City Offices.

The Republican City Convention assembled in the City Hall, at two o'clock this afternoon, and was called to order by the chairman of the Republican City Committee John W. Sale, and on motion of Ed. F. Carpenter, Mr. Sale was chosen as chairman, and A. W. Baldwin, secretary.

The list of delegates as reported in the Gazette were appointed by the convention, and the usual committee on credentials dispensed with. The first informal ballot for mayor resulted as follows, the tellers being Mr. Thomas Mahon, of the Fourth ward and Mr. O. F. Nowlan, of the Second ward:

INFORMAL BALLOT.

J. C. Metcalf	11
W. T. Vankirk	10
Fenner Kimball	1
H. Merrill	1
	22

At this point Mr. Metcalf, in a few appropriate remarks stated his position regarding his candidacy, giving his reasons for not considering himself a candidate for the office of Mayor. He urged the nomination of W. T. Vankirk, as a small recognition for his many unrewarded services in the Republican party, and closing his remarks by nominating that gentlemen.

FORMAL BALLOT,

Vankirk	21
Metcalf	1
Kimball	1
	23

Mr. W. T. Vankirk was, on motion of Mr. Ed. F. Carpenter, declared unanimously the nominee for the office of Mayor.

Mr. Vankirk being present, accepted the nomination, and thanked the convention for the honor conferred.

The convention proceeded to an informal ballot for city clerk, which resulted as follows:

INFORMAL BALLOT

C. F. Church	17
P. S. Featon	7
	21

Mr. Church, was on motion, declared the unanimous nominee for city clerk.

CITY TREASURER

On motion, Mr. J. M. Haselton was chosen as the candidate for City Treasurer, by acclamation.

CITY ATTORNEY.

Mr. E. M. Hyzer was, by acclamation chosen as candidate for City Attorney.

SEALER

Alex. Denning was nominated for sealer of weights and measures.

JUSTICE OF THE PEACE.

An informal ballot for Justice of the Peace resulted:

S. J. M. Putnam	16
W. E. Bennett	6
	22

Mr. Putnam was declared the unanimous choice of the convention for the office of Justice. Mr. Putnam declined, and suggested that some young man be nominated for the position, and also suggested that no nomination be made, in order that the ticket may be thereby strengthened. Mr. Nowlan advocated the nomination of a candidate, and on motion of Mr. Carpenter the convention refused to receive the declination of Captain Putnam, who agreed to accept the office, and qualify for the same if elected.

The chair then appointed the following as the Republican city committe:

At large—J. C. Metcalf.
First ward—C. E. Bowles.
Second ward—O. F. Nowlan.
Third ward—R. Valentine.
Fourth ward—Chas. Atwood.
Fifth ward—J. G. Wray.

The convention then adjourned.

The best value in Black Cashmere is at Archie Reid's.

No Humbugging the American People.

You can't humbug the American people, when they find a remedy that suits them; they use it and recommend it to their friends. Just exactly the case with SPRING BLOSSOM which has become a household word all over the United States. Price 50 cents; trial bettles, 10 cents.
Forsale by A. J. Roberts and Sherer & Co.

Extra bargains in Dry Goods at Archie Reid's.

A Cough, Cold, or Sore Throat should be stopped. Neglect frequently results in an **Incurable Lung Disease or Consumption. BROWN'S BRONCHIAL TROCHES** do not disorder the stomach like cough syrups and balsams, but **act directly on the inflamed parts**, allaying irritation, give relief in **Asthma, Bronchitis, Coughs, Catarrh**, and the **Throat troubles** which **Singers and Public Speakers** are subject to. For thirty years Brown's Bronchial Troches have been recommended by physicians, and always give perfect satisfaction. Having been tested by wide and constant use for nearly an entire generation, they have attained well-merited rank among the few staple remedies of the age. Sold at 25c a box everywhere.
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Minnesota and Dakota Lands.

Invest your money in them, they will pay you from **50 to 100 Per Cent** per annum on the amount invested. It costs no more to own a

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than to rent one in Wisconsin for a single year. Long time and low interest given.

Take a Trip into the Country

and be convinced. The expense of such a trip will not exceed ten dollars if you purcease land. Before going be sure to call on or address the undersigned. who will furnish you tickets, maps, letters of introduction, and other information which will be of much value in saving time.

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G. C. HIELD,

Office at Hay Press, near Stock Yards, Janesville, Wis. mar23dawtf

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DR. E. C. WEST'S NERVE AND BRAIN TREATMENT: a specific for Hysteria, Dizziness, Convulsions, Nervous Headache, Mental Depression, Loss of Memory, Spermatorrhœa, Impotency Involuntary Emissions, Premature Old Age, caused by over-exertion, self-abuse, or over-indulgence, which leads to misery decay and death. One box will cure recent cases. Each box contains one month's treatment. One dollar a box, or six boxes for five dollars; sent by mail prepaid on receipt of price. We guarantee six boxes to cure any case. With each order received by us for six boxes, accompanied with five dollars, we will send the purchaser our written guarantee to return the money if the treatment does not effect a cure. Guarantees issued by PRENTICE & EVENSON, Druggists Janesville, Wis. Orders by mail will receive prompt attention. aug4dawly